
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: March 7, 2007

SCHEM. DEV. PLAN: **SDP-04-001**

TITLE: **QUINCE ORCHARD PARK – THE VISTAS**

REQUEST: **RECOMMENDATION TO M&C**

ADDRESS: ORCHARD RIDGE ROAD AND WINTER WALK DRIVE

ZONE: MXD (Mixed Use Development) Zone

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant - Bill Wogatske, The Churchill Development Corp.

Attorney - Stephen Orens, Miles & Stockbridge P.C.

Engineer - James Ruff, Macris, Hendricks and Glascock

STAFF PERSON: Caroline Seiden, Planner

Enclosures:

Staff Analysis

Index of Memorandum and Exhibits (marked in **bold**)

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission and Mayor and City Council

FROM: Caroline Seiden, Planner

DATE: March 1, 2007

SUBJECT: Staff Analysis SDP-04-001 - Churchill Development Corp.

The applicant requests approval of the schematic development plan, **SDP-04-001, known as Quince Orchard Park – The Vistas** in Gaithersburg, Maryland. The proposed mixed residential plan, includes 13 single family detached, 38 townhouses, and 32 multi-family (two over two) condominium units¹ on approximately 11.68 acres of land. The subject property is bounded by Winter Walk Drive, Orchard Ridge Drive, Twin Lakes Drive and Quince Orchard Road in the Quince Orchard Park development. The property is within the Mixed Use Development (MXD) Zone.

APPLICANT/OWNER:

Churchill Development Corp.
5 Choke Cherry Road
Suite 360
Rockville, Maryland 20850

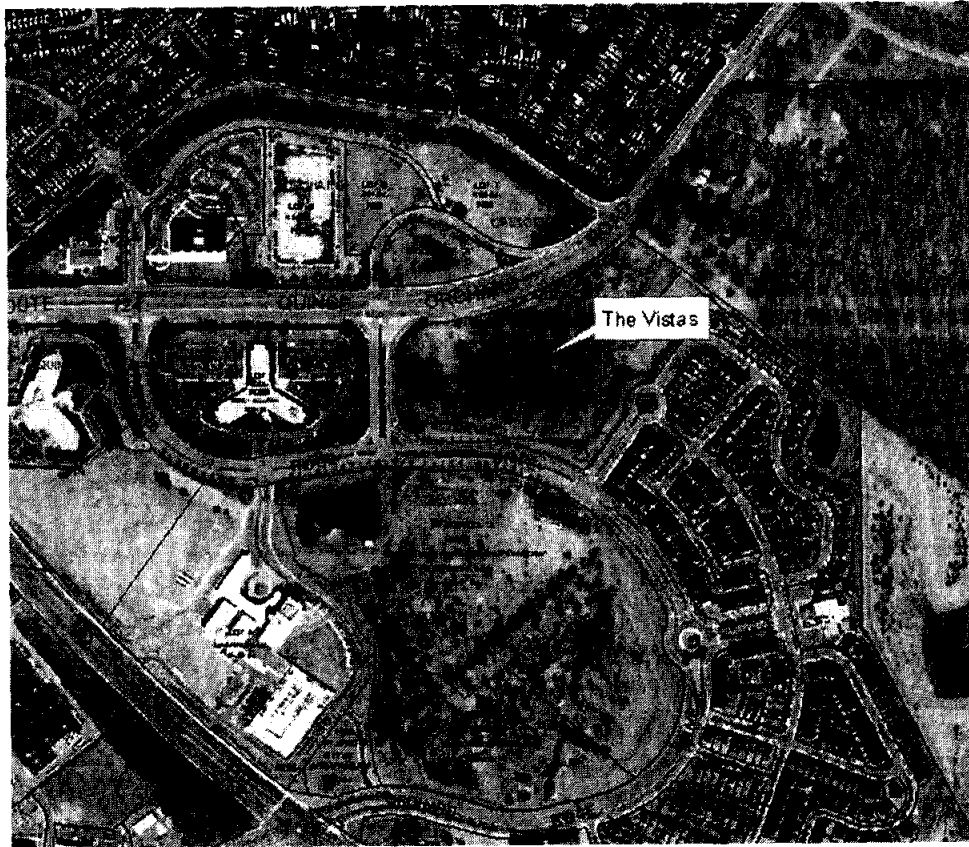
REQUEST:

Churchill Development Corp. (“applicant”) is requesting approval of the schematic development plan, **SDP-04-001, known as Quince Orchard Park – The Vistas** in Gaithersburg, Maryland. The proposed plan includes mixed residential as follows; 13 single family detached, 38 townhouses, and 32 multi-family (two over two) condominium units on approximately 11.68 acres of land. The property is within the Mixed Use Development (MXD) Zone.

LOCATION:

The subject property is located on Parcel A, Quince Orchard Park. It is bounded by Winter Walk Drive, Orchard Ridge Drive, Twin Lakes Drive and Quince Orchard Road.

¹ The original application proposed 28 single family detached; 41 townhouses; 56 multi-family condominium units but the plan has been modified to include the stated unit mix.



TAX MAP REFERENCE:

Tax Sheet FS 123.

BACKGROUND:

The subject Tax Parcel, 02304605, was annexed into the City in 1982 as part of the 212 acre Quince Orchard Park annexation known as X-129. The property was initially classified in the I-3 zone. On December 20, 1993, Zoning Map Amendment Z-275 was approved by the Mayor and Council and rezoned the entire Quince Orchard Park property to MXD (Mixed Used Development) Zone. For the purposes of the sketch plan, the property was divided into six (6) sections, each with different potential land uses and density ranges. The Z-275 Sketch Plan for the Vistas section of Quince Orchard Park consists of approximately 13.1 acres and was designated for either office use or residential use. On December 17, 2001, the Mayor and City Council approved Zoning Map Amendment Z-275(C), which provided for a residential density range of 75 to 125 units or 150,000 to 250,000 square feet of office for the Vistas property.

The property retained a residential-office land use designation in the 2003 Land Use Plan (Map designation #47), with which this application complies. Additionally, the applicant provided an analysis of how the application meets the Master Plan themes adopted in October 2002 (Exhibit #87).

In August 2004, William Wogatske of Churchill Development Corp. submitted an application for a mixed housing development on an 11.68 acre parcel, known as Quince Orchard Park – The Vistas. The Mayor and City Council and Planning Commission held a joint public hearing for SDP-04-001 on December 6, 2004. Based on Mayor and City Council and Planning Commission guidance, the plan was revised to reduce the density and enhance design elements required as part of the MXD review process. A revised plan was reviewed during a joint work session on April 11, 2005. During the course of this work session, the Mayor and City Council and Planning Commission raised a number of concerns about the revised plan, including compatibility with the existing Quince Orchard Park residential development, the quality of open space, design of alleys, pedestrian connectivity and on-site reforestation requirements. The applicant, working with City staff and the Quince Orchard Park community further refined the plan and the Mayor and City Council and Planning Commission held a second joint work session on September 25, 2006. The Mayor and City Council and Planning Commission expressed support of the design changes that had been made since their last review. Discussion at the second worksession centered on the Mayor and Council's desire to incorporate the Vistas into the existing Quince Orchard Park prior to approval of the schematic development plan. The Planning Commission also voiced an interest in reviewing design guidelines for the application.

After the second worksession, the Quince Orchard Park Community Association Board of Directors and Churchill Development Corporation entered into a Memorandum of Understanding (Exhibit #92) which outlines conditions of the Vistas entrance into the HOA, should the homeowners approve the annexation. Since that time, the Quince Orchard Park Community Association has completed its collection of homeowner proxies necessary to determine whether the Quince Orchard Park community would annex the Vistas into its community, as requested by the Mayor and Council. The QOP Community Association Board of Directors has informed the City that the required number of votes for annexation of the Vistas into the QOP Community Association was not achieved (Exhibit #128). Given this outcome, Churchill Development Group submitted an operating budget for the Vistas, which reflects its proposed status as an independent homeowner's association (Exhibit #130).

In addition, the Planning and Code Administration Director Greg Ossont has determined that under the first amendment to the Annexation Agreement for Quince Orchard Park, of which the Vistas is a part, the applicant is exempt from the City's affordable housing requirements, the adequate public facilities requirements and from the requirement to complete design guidelines as part of their plan (Exhibit #132). Paragraph III to the first amendment to the Annexation Agreement, dated 1991, states, in pertinent part, "Any portion of the Subject Property that is rezoned by the City with GERECCO's consent, from I-3 to another zoning classification shall be governed by those zoning and subdivision laws and regulations which are applicable as of the final date of any such rezoning." As a result, any property that rezoned to MXD is to be governed by the laws in effect on the date that the rezoning was final, i.e. January 1994; any zoning or subdivision laws enacted after 1994 would be applicable to the MXD portion of the property.

As part of the review of this application, the applicant provided an analysis of how the application meets the Master Plan themes adopted in October 2002 (Exhibit #87).

On March 7, 2007 the application SDP-04-001 is before the Planning Commission for recommendation to the Mayor and City Council. A date for policy discussion with the Mayor and City Council has not yet been set on this application.

EXISTING LAND USE/PHYSICAL CHARACTERISTICS:

The Property is irregular in shape and is bounded on the east by Winter Walk Drive and the existing Quince Orchard Park community, to the south by Orchard Ridge Drive and the undeveloped Meadows section of Quince Orchard Park, to the west by Twin Lakes Drive and office development, and to the north by Quince Orchard Road. Currently, the Property is undeveloped and contains a combination of open land and forested area. Approximately 4.73 acres of the Property is considered to be forest, with many invasive species identified in the Wildlife Management Plan. No rare or threatened species of plant or trees were identified on the site. There are no structures on the site.

The NRI/FSD report goes into further detail regarding Streams and Floodplains, Soils, Wetlands, Forests & Trees, Rare, Threatened, or Endangered Species, Existing Wildlife, Stream Quality, Significant Views or Vistas and Historical Significance. A copy of the report may be reviewed at the offices of the Planning and Code Administration and is part of the record file (Exhibit # 10).

SCHEMATIC DEVELOPMENT PLAN ANALYSIS

Residential Density

As noted above, The Vistas proposes 83 residential units on 13.01 acres of land. Throughout the review of this proposal, residents of the adjacent Quince Orchard Park community expressed their desire to maintain similar densities in the Vistas as for the existing community. The density of each section of Quince Orchard Park is as follows:

Quince Orchard Park Residential Density, by Section			
	<u>Phase I</u>	<u>Phase II</u>	<u>Vistas</u>
Gross Area (in acres)	25.35	44.72	13.05
Street/Transit Dedication		- 6.81	- 1.36
Total (in acres)	25.35	37.91	11.69
# of Units	202	302	83
Density (units/acre)	7.97/acre	7.97/acre	7.10/acre

Due to differences in the methods used to calculate acreage in each of the phases, some adjustments have been made to the acreage of each section in order that the resulting densities for each phase are comparable. Phase II acreage included 6.81 acres of land that were dedicated for a portion of Orchard Ridge Drive directly abutting Phase II. However, in Phase I and the

Vistas, acreage did not include land dedicated for other portions of Orchard Ridge Drive or Winter Walk Drive, the two streets directly abutting the communities. The Vistas does, however, include land dedicated for the transitway. Thus, in order to compare “apples to apples” the 6.81 acres dedicated for Orchard Ridge Drive was subtracted from the acreage used to calculate density for Phase II and the 1.36 acres dedicated for the transitway was subtracted from the acreage used to calculate density for the Vistas.

As the above table indicates, the overall density of the Vistas is lower than either of the first two sections of Quince Orchard Park. Also, while the mix of units is decidedly more multi-family than the existing two phases, the overall effect on the combined mix of all three phases is minimal. The overall percentage of single-family detached homes once Vistas is included in the calculations is reduced from 42 percent to 38 percent while the percentage of two over two (2/2) condominiums increases from 22 percent to 24 percent.

Quince Orchard Park Housing Mix (without and with Vistas)			
	<u>Phase I/II</u>	<u>Vistas</u>	<u>Combined</u>
SF Detached	213 (42%)	13 (16%)	226 (38%)
S Townhouses	181 (36%)	38 (46%)	219 (37%)
2/2 Condominiums	110 (22%)	32 (39%)	142 (24%)

Schools

The schools that currently serve the proposed development are Diamond Elementary, Lakelands Park Middle and Northwest High School. Information obtained from Montgomery County Public Schools (MCPS) indicates that enrollment projections show adequate capacity available at all levels throughout the six-year forecast period. School generation rates for the 83 units are: 19 elementary, nine middle school and nine high school students (Exhibits #71 and #133).

Transportation and Parking

Streets

Streets surrounding the Vistas, including Quince Orchard Road, Twin Lakes Drive and Orchard Ridge Drive, are all built to their master plan widths. Circulation through the development will be provided by one two-lane public street (proposed Autumn View Drive), with full access off an existing traffic circle on Winter Walk Drive and right-in, right-out access from Orchard Ridge Drive. The remainder of interior streets are private alleys to be maintained by the homeowners association.

An application for a Road Code Waiver for Autumn View Drive has been submitted by the applicant (Exhibit #124). A suggested condition that the waiver be approved by the Mayor and City Council as part of this SDP application is included (Condition #10).

Parking

A total of 308 parking spaces are provided in the SDP plan. Of these, 185 are required and 230 spaces are provided on lot. The remaining 78 parking spaces are provided as street parking along proposed Autumn View Drive, Orchard Ridge Drive and along the interior alleys. Parking requirements for all unit types are met on lot for each lot.

Corridor Cities Transit Way

A portion of the 50 foot Corridor Cities Transitway right of way, totaling 1.36 acres, runs along the western and northern edges of the Vistas property. According to the annexation agreement, the final 300,000 square feet of development in Quince Orchard Park (of which the Vistas is a part) is tied to two transitway-related events. The first event is the dedication of the transit right of way. The second event is the dedication of property for the transit station, and related facilities. The dedication of these properties must be completed prior to the development of the next 150,000 sq. ft. (or 150 housing units). The latter has been completed. Therefore, a condition requiring the dedication of the transit right of way prior to the issuance of any permits is included (Condition #1). In addition to the transit right-of-way, a 50 foot buffer between the transit way and the developable area of the Vistas is included in the plan to provide a visual and noise buffer between the residential use and the transit way.

Bus Service

Quince Orchard Park is currently served by two Ride-On bus routes, including Route 56 on Quince Orchard Road and Route 74 on Great Seneca Highway.

Planned Amenities***Open Space***

The plan exceeds the MXD zone requirement for Open Space. The applicant is providing 54 percent green space (only 40 percent is required). A pedestrian path system will run throughout the site, connecting the existing Quince Orchard Park community to the open spaces within the new community.

Residential Amenities

The Vistas community includes a 1/2 acre open field for ball playing, a volleyball court, or other active play, and an all-purpose sport court which will include opportunities for basketball and other court games. In addition, a tot lot and additional green space form the interior courts surrounded by townhouses and 2/2 condominiums. A unique piece of public art will be located at the western edge of the eastern courtyard and will be visible as one enters the community along proposed Autumn View Drive.

Stormwater Management

A concept stormwater management plan has been submitted and approved by the Department of Public Works, Parks Maintenance and Engineering (DPWPM&E). The plan includes one stormwater pond and two sand filters for water quality. The plan also incorporates stormwater from the Dart property, as required in its annexation agreement.

The final stormwater management design will continue to be refined by the applicant and DPWPM&E as the process continues for the proposed development. The final stormwater design must ultimately be approved by DPWPM&E and Staff at the final site plan stage and prior to the issuance of any on-site or building permits.

Environmental Issues

Natural Resource Inventory/Forest Stand Delineation

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Vistas was approved in July 2004 (Exhibit #10) with one condition stating that dependent on the proposed development, a noise study may be required as part of the preliminary plan, per Section 34 of the Environmental Standards for Development Regulation.

A Noise Study was completed in August 2005, and updated in November 2006 indicating that all proposed outdoor recreational activity areas are located outside of the 60 dBA Ldn impact zone and will readily meet Montgomery County noise code standards (Exhibits #44, #95 and #122). From noise levels calculated at upper floor received locations, all proposed residential units will be located outside of the 65 dBA Ldn upper level impact zone, thereby requiring no special treatments in order to achieve interior noise level requirements of 45 dBA Ldn). A condition ensuring that these noise levels are maintained is included (Condition # 6).

The results of the Wildlife Inventory revealed that the site contains the typical array of urban wildlife species. Of the species found, none are unusual or unexpected within this area. The boundary survey for the Site was prepared by Rodgers Consulting, Inc. Topography for the Site and surrounding areas shown was prepared aerially by Photographic Data Services. A Wildlife Management Plan for all of Quince Orchard Park was updated and approved by City staff in 2005.

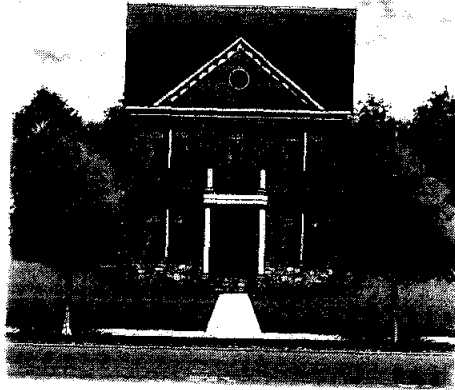
Forest Conservation Plan

Concerns regarding the initial forest conservation plan were raised by the Planning Commission and Mayor and Council during the public hearing and first worksession for the original Vistas plan. The initial plan did not address reforestation requirements on site as desired by city staff. A reduction in the plan's density since the initial plan was submitted has significantly improved the applicant's ability to meet reforestation requirements on site. According to the revised Forest Conservation Plan, submitted in December 2006 (Exhibit #111) there are 3.59 acres of reforestation required for the Vistas. The plan proposes 3.21 acres of on-site reforestation. The Forest Conservation Plan has been reviewed by the City's environmental specialist, who is confident that the applicant will be able to provide an additional .38 acres of reforestation either on site or within the greater Quince Orchard Park community at the time of final site plan. Condition #12 addresses this requirement.

Architecture/Art in Public Places

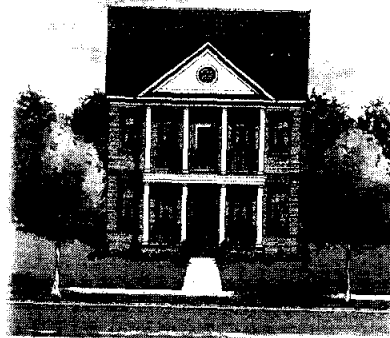
The applicant has provided conceptual front building elevations for all three unit types, as shown below:

Single-Family Elevation #1



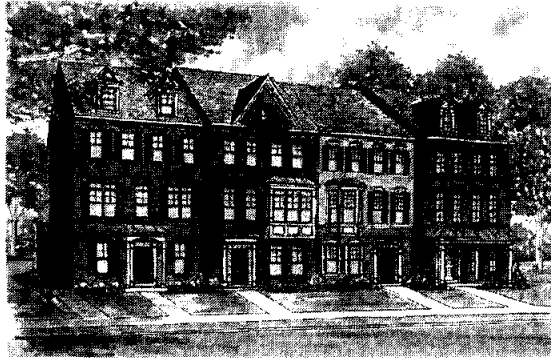
Vistas
Elevation 1

Single-Family Elevation 3



Vistas
Elevation 3

Rear-Loaded Townhouses



Perspective 1



The Vista



Front-loaded Townhouses



Perspective 2



The Vista

Two Over Two Condominiums



As noted earlier in this analysis, the City Attorney has determined that under the original 1991 Quince Orchard Park Annexation agreement in which the Vistas was annexed into the City, the applicant is exempt from both the City's affordable housing requirements and from the requirement to complete design guidelines. The applicant has submitted a one-page design summary (Exhibit #104) indicating that the front facades and highly visible side elevations of all units will be "constructed with natural materials, such as brick, stone, or a combination of brick and stone and other acceptable materials." This summary, unfortunately, does not provide the level of detail typically included when design guidelines are required. Missing information, such as the percentage of units with porches, bay windows, or other design elements that provide an interesting streetscape, does not provide staff with a level of comfort that the elevations will meet the City's current design standards. Should such details as porches, windows, etc., be available to potential homeowners as options only, the potential for an interesting streetscape will be lost. In order that the Vistas development meets the City's current design standards, staff recommends a condition that the units be built with four-sided architecture and that a certain minimum number of design features (porches, windows, balconies, etc.) be included for each unit, the details of which should be finalized at final site plan. In addition, staff would recommend one more elevation be added to the available single family detached facades.

Although the Vistas will not be incorporated into the Quince Orchard Park Community Association, staff recommends that the Vistas adopt the QOP architectural controls, which control fencing, landscaping, etc., so that the community continues to maintain some cohesiveness even if they are under separate associations.

The applicant has provided locations for Art for Public Places (AIPP) within the development. The applicant should continue to work with City staff and AIPP committee on the AIPP plan and

to commit an AIPP funding amount to be approved by City staff and AIPP committee. Condition #9 addresses this issue.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission give a favorable recommendation of the development proposal to the Mayor and City Council for the Schematic Development Plan, SDP-04-001, with the following conditions:

1. Prior to submission of any permits, dedication for the 50' transit way, as shown on the SDP, shall be recorded by Quadrangle Development Corp or Churchill Development Corp;
2. Applicant to complete on-site community amenities, including basketball court, volleyball court and interior courtyards prior to the occupancy of the 55th home;
3. The applicant shall receive final approval letters from appropriate utility agencies including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to the approval of final site plan;
4. The final utility plan shall be revised and approved by the Department of Public Works, Park Maintenance and Engineering (DPWPM&E) prior to the issuance of Public Works permits for each phase;
5. Comprehensive community sign package to be approved by the Planning Commission at the time of final site plan approval;
6. At the time of final site plan, noise abatement measures such as berm, and/or fence be provided to achieve the 60 dBA exterior level noise guideline;
7. Applicant to submit at time of final site plan an enhanced architectural design plan indicating colors, identifying units treated with four-sided architecture, identifying and detailing end units and highly visible units, and indicating the minimum number of units with specific design details, such porches, bay windows, dormers, and other architectural details. The plan must ensure that no identical elevations shall be sited within a six-lot envelope;
8. Applicant to work with Pepco to establish additional utility easements for transformers at time of final site plan;
9. Applicant to provide Art in Public Places program and commit funding to be approved by city staff and AIPP committee during final site plan stage, with art to be installed prior to the occupancy of the 70th unit;
10. Applicant to obtain approval of a Road Code Waiver from the Mayor and City Council at the time of approval of the SDP;

11. Prior to the issuance of any building permits, the applicant shall submit to the city attorney for review and approval, the Homeowners Association documents including architectural regulations similar to those for Quince Orchard Park.
12. Applicant to continue to work with City staff to meet all reforestation requirements either on-site or within the greater Quince Orchard Park community.

INDEX OF MEMORANDA
SDP-04-001
QUINCE ORCHARD PARK – THE VISTAS

- 1) Schematic Development Plan Application, August 13, 2004
- 2) Application fees receipt
- 3) Sediment Control and Stormwater Management Application, August 13, 2004
- 4) Stormwater Management Plan Cover Letter from James A. Ruff, Macris, Hendricks & Glascock, August 12, 2004
- 5) Letter to Greg Ossont from William J. Wogatske, Churchill Group, August 19, 2004
- 6) Letter to Greg Ossont from William J. Wogatske, Churchill Group, September 7, 2004
- 7) Schematic Development Plan (Sheets #1-#4)
- 8) Elevations of proposed Single-family, Townhouse and Multi-family Dwellings
- 9) Vicinity Map
- 10) Natural Resources Inventory/Forest Stand Delineation
- 11) Quince Orchard Park Wildlife Inventory and Wildlife Management Plan
- 12) Agency Transmittals
- 13) E-mail to Greg Ossont from Bill Burke, September 21, 2004
- 14) 2003 City of Gaithersburg Master Plan Land Use Element, Map Designation 47
- 15) Concept Stormwater Management Plan
- 16) E-mail to Greg Ossont from Suzanne Scharf, September 27, 2004
- 17) Letter to Trudy Schwarz from Steven Foster, State Highway Administration, September 28, 2004
- 18) Letter to Caroline Seiden from William Wogatske, Churchill Group
- 19) Letter to Caroline Seiden and Greg Ossont from Robert J. Funtres, PharmD, 719 Summer Walk Drive, October 11, 2004
- 20) E-mail to Greg Ossont from Bill Burke, November 9, 2004
- 21) Letter requesting Notice of Joint Public Hearing for SDP-04-001 in the November 17 and November 24, 2004 issues of the *Gaithersburg Gazette*
- 22) Notice of Joint Public Hearing, as sent November 17, 2004
- 23) List of Persons Notified of Joint Public Hearing
- 24) E-mail to Greg Ossont from Bin Yu, November 12, 2004
- 25) E-mail, with attachments, from Mark Depoe regarding Quince Orchard Park Development, November 18, 2004
- 26) E-mail to Greg Ossont from Suzanne Scharf, November 20, 2004
- 27) SWM Concept Plan Cover Letter and Revised Computations, November 8, 2004
- 28) Revised Concept Stormwater Management Plan
- 29) Revised Schematic Development Plan (Sheets #1-#4)
- 30) Revised Schematic Development Plan (Sheets #1-#4), reduced copies

- 31) Revised Concept Stormwater Management Plan, reduced copy
- 32) Building Elevations, reduced copies
- 33) E-mail to Greg Ossont and Caroline Seiden from Bill Wogatske
- 34) E-mail to Mayor, City Council and Planning Commission from Steven Solomon, December 6, 2004
- 35) E-mail to Greg Ossont from Cheng Tu, December 7, 2004
- 36) Certified copy of the Notice of Public Hearing as it appeared in the November 17 and November 24, 2004 issues of the *Gaithersburg Gazette*
- 37) Testimony given by Steve Scharf at the Vistas Schematic Development Plan Public Hearing on December 6, 2004
- 38) Quince Orchard Park Resident Position Paper: The Vistas
- 39) SDP-04-001 – The Vistas Staff and Public Hearing Issues
- 40) E-mail from Ollie Mumpower to Caroline Seiden, December 13, 2004
- 41) Letter to Caroline Seiden from William Wogatske, January 13, 2005
- 42) Deeds conveying land from QOCC for future transit station to City of Gaithersburg (parcels 09-02304605 and 09-02781978)
- 43) Letter to Caroline Seiden from William Wogatske, January 19, 2005
- 44) Phase I Traffic Noise Analysis
- 45) Revised Conceptual Landscape Plan, submitted January 21, 2005
- 46) The Vistas – Development Review Team Comments, January 25, 2005
- 47) Revised Schematic Development Plan – Sheet #2, received April 4, 2005
- 48) Revised Schematic Development Plan – Sheet #2, reduced copy, received April 4, 2005
- 49) Development Data Worksheets
- 50) Transcript of the December 6, 2004 Joint Public Hearing regarding SDP-04-001
- 51) E-mail from Erica Shingara to Greg Ossont, April 6, 2005
- 52) Updated Quince Orchard Park Resident Position Paper, April 11, 2005
- 53) The Vistas SDP-04-001 Plan Revisions Since 12/6/04 (submitted by developer)
- 54) The Vistas SDP-04-001 Density Calculations (submitted by developer)
- 55) Vistas School Information (submitted by developer in April 2005)
- 56) Letter to Mayor Katz from Eric Tovar, April 14, 2005
- 57) Vistas Scheme A, May 25, 2005
- 58) Vistas Scheme B, May 25, 2005
- 59) Letter from Rachita Patel, Agent for Quince Orchard Park Community Association, to Bill Wogatske, July 28, 2005
- 60) Letter to Greg Ossont from Bill Wogatske, August 15, 2005
- 61) Vistas Concept Plan A, August 8, 2005
- 62) Vistas Concept Plan B, August 8, 2005
- 63) Letter to Greg Ossont from Eric Tovar, November 16, 2005
- 64) Vistas Concept Plan, Scheme B.1, November 7, 2005
- 65) Vistas Concept Plan, Scheme B.2, November 7, 2005
- 66) E-mail from Bill Burke to Greg Ossont, December 27, 2005
- 67) Vistas Concept Plan, Revised as Per Discussion, December 28, 2005 (2 pages)
- 68) FAX, Letter and attachment from Eric Tovar to Greg Ossont, February 13, 2006
- 69) E-mail from Ruchita Patel, Agent for Quince Orchard Park Community Association, to Bill Wogatske, with attachment, February 26, 2006
- 70) Letter to Eric Tovar from Ruchita Patel, Agent for Quince Orchard Park

- Community Association, April 11, 2006
- 71) Letter to Caroline Seiden and Greg Ossont from William Wogatske, regarding school capacity, May 16, 2006
 - 72) The Vistas SDP-04-001 Staff Issues, May 16, 2006
 - 73) Revised Schematic Development Plan, Cover Sheet (Sheet 1 of 4), July 25, 2006
 - 74) Revised Schematic Development Plan, Site Plan (Sheet 2 of 4), July 25, 2006
 - 75) Revised Conceptual Landscape Plan (Sheet 3 of 4), July 25, 2006
 - 76) Revised Forest Conservation Plan (Sheet 4 of 4), July 25, 2006
 - 77) Revised Schematic Development Plan, Cover Sheet (Sheet 1 of 4), reduced copy, July 25, 2006
 - 78) Revised Schematic Development Plan, Site Plan (Sheet 2 of 4), reduced copy, July 25, 2006
 - 79) Revised Conceptual Landscape Plan (Sheet 3 of 4), reduced copy, July 25, 2006
 - 80) Revised Forest Conservation Plan (Sheet 4 of 4), reduced copy, July 25, 2006
 - 81) Concept Stormwater Management Plan, September 12, 2006
 - 82) Autoturn Exhibit, June 28, 2006
 - 83) The Vistas – Perspective #1
 - 84) The Vistas Perspective #2
 - 85) The Vistas – Single Family Elevation #1
 - 86) The Vistas – Single Family Elevation #3
 - 87) Letter to Mayor and City Council from Eric Tovar regarding compliance with Master Plan Themes, September 20, 2006
 - 88) Quince Orchard Park Homeowners Association Position Paper, September 21, 2006
 - 89) **Letter to Caroline Seiden from William Wogatske, regarding Wildlife Management Plan, September 29, 2006**
 - 90) **Letter to Erica Shingara from Dusty Rood, Rodgers Consulting, regarding Wildlife Management Plan, December 6, 2004**
 - 91) **The Vistas at Quince Orchard Park Wildlife Management Plan**
 - 92) **Memorandum of Understanding between Churchill Development Corporation and the Quince Orchard Park Community Association Board of Directors, October 24, 2006**
 - 93) **Letter to Greg Ossont from William Wogatske, regarding meeting schedule, November 3, 2006**
 - 94) **Letter to Caroline Seiden from William Wogatske, regarding updated Phase I Traffic Noise Analysis, November 9, 2006**
 - 95) **Phase I Traffic Noise Analysis, The Vistas, November 8, 2006**
 - 96) **Memorandum to Caroline Seiden from Norma J. Thacker, WSSC, November 22, 2006**
 - 97) **Memorandum to Ivan Humberson from Tyler Mosman regarding Fire Marshal Comments, December 12, 2006**
 - 98) **Letter to Caroline Seiden from Steven D. Foster, State Highway Administration, December 13, 2006**
 - 99) **Letter to Caroline Seiden from James Ruff, Macris, Hendricks & Glascock, December 19, 2006**
 - 100) **Letter of Transmittal to Bob Thompson, Verizon, from James Ruff, Macris, Hendricks & Glascock**
 - 101) **Letter of Transmittal to Ken Farrel, Pepco, from James Ruff, Macris,**

- Hendricks & Glascock**
- 102) **Letter to Greg Ossont and Caroline Seiden from Steven Orens, Miles & Stockbridge, December 28, 2006**
 - 103) **Letter to Mayor and City Council from Steven Orens, Miles & Stockbridge, December 28, 2006**
 - 104) **Guidelines for The Vistas at Quince Orchard Park**
 - 105) **Revised Elevations for Single-Family Units, Elevations 1 and 3**
 - 106) **Revised Elevations for Rear-Loaded and Front-Loaded Units**
 - 107) **Elevations for Two Over Two Condominium Units**
 - 108) **Revised Schematic Development Plan, Cover Sheet (Sheet 1 of 5), December 25, 2006**
 - 109) **Revised Schematic Development Plan, Site Plan (Sheet 2 of 5), December 25, 2006**
 - 110) **Revised Conceptual Landscape Plan, (Sheet 3 of 5), December 25, 2006**
 - 111) **Revised Forest Conservation Plan (Sheet 4 of 5), December 25, 2006**
 - 112) **Right-of-Way/Easement Exhibit (Sheet 5 of 5), December 25, 2006**
 - 113) **Agency Transmittals, November 17, 2006**
 - 114) **Article VIII of Quince Orchard Park**
 - 115) **Revised Schematic Development Plan, Cover Sheet, reduced copy (Sheet 1 of 5), December 25, 2006**
 - 116) **Revised Schematic Development Plan, Site Plan, reduced copy (Sheet 2 of 5), December 25, 2006**
 - 117) **Revised Conceptual Landscape Plan, reduced copy (Sheet 3 of 5), December 25, 2006**
 - 118) **Revised Forest Conservation Plan, reduced copy (Sheet 4 of 5), December 25, 2006**
 - 119) **Right-of-Way/Easement Exhibit, reduced copy (Sheet 5 of 5), December 25, 2006**
 - 120) **Letter to Greg Ossont and Caroline Seiden from Stephen Orens, Miles & Stockbridge P.C., January 9, 2007**
 - 121) **E-mail from Robert Benneman, Polysonics Corp., to Bill Wogatske, Churchill Development, January 3, 2007**
 - 122) **The Vistas Estimated Combined Year 2025 MD 124 Traffic and Light Rail Transit Upper Level Noise Contours, January 3, 2007**
 - 123) **E-Mail, with attachment, to Stephen Orens, Miles & Stockbridge P.C. from James Raby, Pepco, January 4, 2007**
 - 124) **Road Code Waiver Application, filed January 10, 2007**
 - 125) **Memorandum to Planning Commission from Caroline Seiden, January 9, 2007**
 - 126) **E-mail from Carole Valis to Caroline Seiden, January 25, 2007**
 - 127) **Letter to Greg Ossont from Stephen J. Orens, Miles & Stockbridge P.C., February 9, 2007**
 - 128) **E-mail to Greg Ossont and Bill Wogatske from Ruchita Patel, Quince Orchard Park Community Association, February 5, 2007**
 - 129) **Letter to Greg Ossont from Stephen J. Orens, Miles & Stockbridge P.C., February 19, 2007**
 - 130) **Churchill Development Vistas HOA Operating Budget, February 16, 2007**
 - 131) **Memorandum to Planning Commission from Caroline Seiden, February 22, 2007**

- 132) **Memorandum to Planning Commission from Greg Ossont regarding Quince Orchard Park Annexation Agreement, February 28, 2007**
- 133) **Montgomery County Student Generation Rates for New Housing by Type, 2005 Census Update Survey**

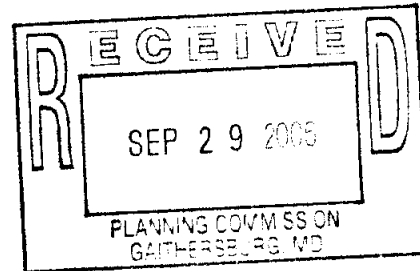


CHURCHILL
GROUP

A HOMETOWN TRADITION

September 29, 2006

City of Gaithersburg
31 South Summit Ave.
Gaithersburg, MD 20877-2098
Attention: Ms. Caroline H. Seiden



Re: The Vistas

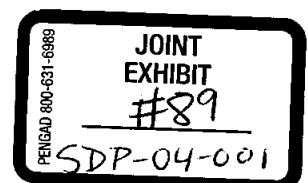
Dear Caroline:

Please find enclosed three copies of the Wildlife Management plan dated November 2004 as prepared by Rodgers and Associates. I see it was previously sent to Erica.

Should you have any questions please feel free to contact me at 240-243-1000 ext. 110 or by email at BWogatske@ChurchillBuilders.com.

Sincerely,


William J. Wogatske
Vice President Land Acquisition and Development



5 Choke Cherry Road • Suite 360 • Rockville, Maryland 20850

240.243.1000 • 240.243.0715 fax

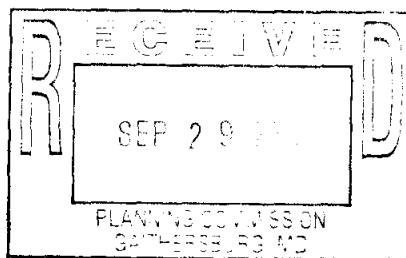
www.ChurchillBuilders.com



MFBR #3021

December 6, 2004

Attn: Mrs. Erica Shingara
City of Gaithersburg
Office of the City Manager
31 South Summit Ave.
Gaithersburg, Maryland 20878



Re: The Vistas -- Quince Orchard Park
Wildlife Management Plan
RCI Job No. 401DR6

Dear Erica,


On behalf of Churchill Development Group, the applicant for The Vistas at Quince Orchard Park, Rodgers Consulting, Inc. is hereby submitting this Wildlife Management Report in accord with Section 31 of the Environmental Standards for Development.

This report presents the inventory of existing and transient wildlife found at the subject site and recommendations for the management of these species for this project. Our findings concluded that the subject site is used primarily as a refuge by transient deer between the NIST/Muddy Branch Stream Valley and the Seneca Stream Valley to the north. While the site provides temporary cover, there really is insufficient water and food supply for these large mammals. Smaller mammals found include Woodchucks and their burrows, mostly along the disturbed edge of the forest closest to Quince Orchard Park.

This report recommends a two-pronged approach for dealing with wildlife. First, a perimeter fence is recommended to be installed along Quince Orchard Road that prevents deer and larger mammals from fleeing towards the roadway. Alternatively, we expect that the deer will flee towards NIST and the Muddy Branch Stream Valley park, avoiding the potential for deer/vehicle collisions on Quince Orchard Road. Second, to minimize construction activity impact to ground-burrowing and dwelling mammals, a habitat inventory and harassment program is being recommended.

We believe that the measures proposed go a long and acceptable way towards protecting wildlife and wildlife interests at an otherwise isolated infill project.

Please feel free to contact us with any questions that you may have concerning this project. We can be reached at (301) 948-4700 or drood@rodgers.com.

Sincerely,
Rodgers Consulting, Inc.

Dusty Rood
Natural Resources Specialist

The Vistas at Quince Orchard Park

Wildlife Management Plan

For:

Churchill Development Group

5 Choke Cherry Road
Suite 360
Rockville, Maryland 20850

By:

Rodgers Consulting, Inc.

19847 Century Blvd., Suite 200
Germantown, Maryland 20874
RCI Job No. 401DR6
Attn.: Eli Golfer

November 2004

TABLE OF CONTENTS

- I. Executive Summary
- II. Site Description
- III. Methods
- IV. Habitat Analysis and Forage Availability
- V. Vegetation, Bird, Large and Small Animal Survey
 - 1. Vegetation Survey
 - 2. Bird, Large and Small Animal Survey
 - Day 1
 - Day 2
 - 3. Discussion
 - Day 1
 - Day 2
- VI. Potentially Problematic Species
- VII. Options for Managing Potentially Problematic Species
- VIII. Short/Long-term Success of Management
- IX. Human-Wildlife Interactions Prior to Development
- X. Edge-Area Ratio
- XI. Minimization of Wildlife Corridors
- XII. Minimization of Isolated Wildlife Habitat Areas
- XIII. Landscape Design/Natural Resource Management Techniques
- XIV. Constriction Activity Schedule
- XV. Summary/Recommendations
- IX. Appendices
 - A. Wildlife Survey Data sheets
 - B. Site Map

LIST OF FIGURES

Figure 1: Proposed Fencing Location Graphic

I. Executive Summary

The Vistas at Quince Orchard Park (hereafter referred to as the *subject property*) of Gaithersburg, Maryland is a 12.85+ acre area. The subject property is owned or under contract by The Churchill Group and includes p/o Parcel "A," as found on Montgomery County tax map FS 123 located at the intersection of Quince Orchard Road and Twin Lakes Drive. The property is zoned MXD according to the "City of Gaithersburg Land Use Plan". This Wildlife Management Report was prepared pursuant Section 31 (Existing Wildlife) of the City of Gaithersburg's Environmental Standards for Development.

II. Site Description

Approximately 4.73+ acres of the subject property is considered to be forest¹. The eastern border of the forest contains scrub-shrub brush leading up to the fence that surrounds the National Institute of Standards and Technology (NIST) property. The north side of the forest ends at Quince Orchard Road (Maryland Route 124) while the west side stops at Twin Lakes Drive. To the south of the subject property is Orchard Ridge Road and to the east Winter Walk Drive.

Quince Orchard Road is a busy thoroughfare connecting the residential and commercial areas of the Kentlands to I-270. There is also an entrance and exit to the NIST property for employees and visitors. The north side of Quince Orchard Road is lined with office buildings, surrounded by a residential neighborhood containing town homes and single-family detached units. To the east of the subject property, across Twin Lakes Drive, are office buildings lining the south side Quince Orchard Road. Directly southwest of the subject property is a storm water management pond with a forested downstream dam and outfall area. South of the subject property, across Orchard Ridge Road, is a manicured lawn area.

Directly to the southeast and east of the subject property is the subdivision of Quince Orchard Park. Across Winter Walk Drive, the subdivision consists of residential development that transitions into single-family homes further south. The entire eastern side of the subdivision is bordered by the fence that surrounds the NIST property. Beginning at the subject property there is an asphalt path that runs around the eastern side of the subdivision, providing a buffer between the homes and the NIST property.

The entire eastern side of the Quince Orchard Park subdivision is bordered by the NIST property, which continues to Muddy Branch Road. The subdivision is bordered to the south by the forested buffer of Muddy Branch Creek. The creek starts on the NIST property and flows south to the Potomac River, surrounded by the forested buffers of Muddy Branch Park. Muddy Branch Park is transected by roads, but still provides an extended natural corridor directly south of the subject property all the way to the Potomac River and Blockhouse Point Park.

¹ Per Approved NRI/FSD as prepared by Macris, Hendricks, and Glascock, P.A.

The subject property is comprised of multiple types of habitat. The southern and western borders of the forest are comprised of scrub-shrub brush and invasive species including Autumn Olive (*Elaeagnus umbellata*), Tree of Heaven (*Ailanthus altissima*), Honey Suckle vine (*Lonicera japonica*), and Blackberry (*Rubus spp.*). These borders are surrounded by manicured lawn.

About one-third of the forest in the northeastern section has an open understory and a canopy closure of about fifty percent. The ground has good cover, but the majority is invasive species including Japanese Stilt Grass (*Microstegium vimineum*), Wild Strawberry (*Fragaria spp.*), Honey Suckle vine, and Blackberry. The southern and western sections of the forest have a very dense understory that is dominated by Pokeweed (*Phytolacca Americana*). The eastern section of the forest transitions into mid-story tall scrub-shrub brush that stops at the fence surrounding the NIST property.

Evidence of wildlife activity is common throughout the subject property. White-Tailed Deer (*Odocoileus virginianus*) scat can not only be found in the forested areas, but along the forest edge and manicured lawn as well. Once inside the forested area, the wildlife evidence becomes more abundant. There is no concentration of wildlife activity in the forest, the deer scat and browse can be found throughout, along with trails indicated by tramped vegetation. There are regenerating Black Cherry (*Prunus serotina*) trees that show signs of reoccurring browse in the form of multiple browsed stems. Many small trees in the forest show evidence of recent and past buck-rub in the form of bark shavings and gashes in the bark. The southern edge of the forest displays signs of deer bedding areas with areas of matted down vegetation. These areas are generally surrounded by taller brush, acting as a buffer to the open areas.

Other evidence of wildlife includes Red Fox (*Vulpes vulpes*) scat located in the middle of the dense Pokeweed understory. Groundhog (*Marmota monax*) burrow holes are also located on the northern and southern edges of the forest, usually in areas of easy access to the manicured lawn. Some of the burrows show signs of recent activity in the form of fresh dirt being pushed around, while other burrows had the openings filled in with leaves. Another small burrow is located on the site, with no signs of activity around it in the form of scat or footprints.

There are three soil types mapped for the subject property in the Montgomery County Soil Survey of 1995. The soils are Gaila¹ Silt Loam (1C), Glenelg Silt Loam (2B), and Baile Silt Loam (6A). There are no streams or wetlands on the property, but there is evidence of ephemeral runoff¹. Evidence of wildlife activity can be found around these moist areas. There are a few erosion channels throughout the forest, with head-cuts up to two feet high.

¹ Refer to approved NRI/FSD.

III. Methods

The *Environmental Standards for Development Regulation, 2001* for the City of Gaithersburg includes specific guidance for wildlife analysis. The regulations set the groundwork for the specific areas of analysis that were followed while conducting this survey. Detailed analysis was conducted for the habitat and forage availability within the forest. Vegetation, birds, large and small animals were all surveyed during this analysis. Problematic species on the subject property were also analyzed and options for managing these species were considered.

It was determined that the best way to survey the subject property was to conduct site surveys in varying habitat types. Preliminary field analysis indicated that there were four habitat types found on the subject property. These habitats included an Upland Meadow, an Open Bottomland, a Bottomland Thicket, and an Upland Edge. To conduct a thorough analysis, a sample point within each habitat type was monitored on two separate days. At each of these sites, the weather and habitat was noted and the position was taken on the GPS unit. Each site was surveyed for fifteen minutes observing wildlife using sight and sound, along with looking for wildlife evidence in each area. A start time and end time was taken at each point, as well as a time when moving to another point. Evidence of wildlife was also observed between sites and noted on the site that was to be surveyed next.

IV. Habitat Analysis and Forage Availability

White-Tailed deer are the largest animal inhabiting this site. There is marginal habitat for transient deer on the subject property. Their desired habitat is described as containing a mixture of trees, shrubs, vines, forbs, grasses and other plants. The deer require large plant diversity for food, because each plays a certain role in their diet. This diversity also plays an important role in providing year round food as well as shelter (Porter, 2004). The suitability of the subject property as deer habitat is limited due to a lack of a perennial water source and a lack of plant diversity for food. Those deer that do inhabit the site do so intermittently and typically as a refuge for migration between the Muddy Branch/NIST stream valley and the Great Seneca stream valley.

The two other evident mammal species on the subject property are Groundhogs and Red Foxes. The Groundhog habitat is described as including small woodlots and forest edges. They prefer forest edges due to the vegetation that disguises their burrows. They prefer to burrow in loam and sandy loam soils (Animal Diversity Web, 2004). The Red Fox is described as preferring a dry, mixed landscape with an abundant edge of scrub-shrubs and brush. They are said to flourish in affluent suburban areas, where they appear to be closely associated with humans (David, 1997).

An abundance of White-Tailed Deer was expected to be observed on the subject property, but only two were observed during the survey. The forest did in fact show signs of deer over-population in the form of heavy vegetation browse, large areas of matted vegetation, along with numerous trails and tracks throughout the forest.

The forest on the subject property is urbanized with a lot of edge and poor canopy closure and contained a large amount invasive plant. Pokeweed, which is typically not invasive and not eaten by deer, has taken over a majority of the understory and even reaches the mid-story in some areas of the forest. This is likely a direct result of the deer population excessively browsing the native species of vegetation as well as the regenerating woody species. The excessive browse damage is resulting in the proliferation of the invasive species. The poor canopy cover on most of the forest will eventually lead to a forest overgrown with invasive plants such as Beef Steak Mint spp. (*Perilla frutescens*), Honey Suckle vine, and Poison Ivy (*Toxicodendron radicans*), to name a few.

V. Vegetation, Bird, Small and Large Animal Survey

1. Vegetation Survey

The first survey site was in the upland meadow, with zero canopy closure and vegetation at mid-story heights. The canopy structure for site one is as follows:

Dominant: none
Codominant: none
Associated: Pear spp. (*Pyrus spp.*)
Understory: Autumn Olive (*Elaeagnus umbelatta*)
Herbaceous: Goldenrod (*Solidago spp.*), Blackberry (*Rubus spp.*), Honey Suckle vine (*Lonicera japonica*), Deertongue (*Diachanthelium clandestinum*)

The survey at site two was conducted in a bottomland habitat. The canopy was eighty percent closed and consisted of the following:

Dominant: Black Cherry (*Prunus serotina*)
Codominant: Tree of Heaven (*Ailanthus altissima*), Box Elder (*Acer negundo*)
Associated: Sugar Maple (*Acer saccharum*)
Understory: none
Herbaceous: Wild Strawberry spp. (*Fragaria spp.*), Bush Honey Suckle (*Deirvilla lonicera*), Polygonum spp. (*Polygonum spp.*), Blackberry (*Rubus spp.*)

Site three was conducted at the lowest point of all the survey sites. The canopy closure was about thirty percent with thick habitat that consisted of the following:

Dominant: Black Cherry (*Prunus serotina*)
Codominant: none
Associated: none
Understory: Autumn Olive (*Elaeagnus umbelatta*), Pokeweed (*Phytolacca Americana*)
Herbaceous: Beef Steak Mint spp. (*Perilla frutescens*), Stilt Grass (*Microstegium vimineum*)

Survey site four, was the last site and in the upland edge of the forest. The habitat had a twenty percent canopy closure and consisted of the following:

Dominant: Black Cherry (*Prunus serotina*)
Codominant: none
Associated: none
Understory: Autumn Olive (*Elaeagnus umbelatta*), Pokeweed (*Phytolacca Americana*)
Herbaceous: Polygonum spp. (*Polygonum spp.*), Honey Suckle vine (*Lonicera japonica*),

2. Bird, Small and Large Animal Survey

Wildlife Species	Day 1 Observed					Heard			
	Site 1	2	3	4		1	2	3	4
Northern Cardinal (<i>Cardinalis cardinalis</i>)	x								x
Northern Mockingbird (<i>Mimus polyglottos</i>)	x	x						x	x
Blue Jay (<i>Cyanocitta cristata</i>)	x								x
Gray Catbird (<i>Dumettella carolinensis</i>)	x								
Mourning Dove (<i>Zenaida macroura</i>)	x			x					
American Robin (<i>Turdus mirgatorius</i>)						x			x
Chimney Swift (<i>Chartura pelagica</i>)						x			
Barn Swallow (<i>Hirundo rustica</i>)						x			
Common Grackle (<i>Quiscalus quiscula</i>)						x			x
Red-Tailed Hawk (<i>Buteo jamaicensis</i>)				x				x	
Wood Thrush (<i>Hylocichla mustelina</i>)								x	
Ovenbird (<i>Seiurus aurocapillus</i>)								x	
Carolina Chickadee (<i>Peocile carolinensis</i>)									
Carolina Wren (<i>Thryothorus ludovicianus</i>)									
Tufted Titmouse (<i>Barolophus bicolor</i>)									
Common Yellow Throat (<i>Geothlypis trichas</i>)									
American Crow (<i>Corvus brachyrnchos</i>)									
Red Fox (<i>Vulpes vulpes</i>)			x						
White-Tailed Deer (<i>Odocoileus virginianus</i>)			x						
Eastern Gray Squirrel (<i>Sciurus carolinensis</i>)		x		x					
Groundhog (<i>Marmota monax</i>)									

Wildlife Species	Day 2 Observed					Heard			
	Site 1	2	3	4		Site 1	2	3	4
Northern Cardinal (<i>Cardinalis cardinalis</i>)									
Northern Mockingbird (<i>Mimus polyglottos</i>)									
Blue Jay (<i>Cyanocitta cristata</i>)									
Gray Catbird (<i>Dumettella carolinensis</i>)									
Mourning Dove (<i>Zenaida macroura</i>)									
American Robin (<i>Turdus migratorius</i>)									
Chimney Swift (<i>Chaptura pelagica</i>)									
Barn Swallow (<i>Hirundo rustica</i>)									
Common Grackle (<i>Quiscalus quiscula</i>)									
Red-Tailed Hawk (<i>Buteo jamaicensis</i>)									
Wood Thrush (<i>Hylocichla mustelina</i>)									
Ovenbird (<i>Seiurus aurocapillus</i>)								x	
Carolina Chickadee (<i>Parus carolinensis</i>)							x	x	
Carolina Wren (<i>Thryothorus ludovicianus</i>)								x	
Tufted Titmouse (<i>Parus bicolor</i>)								x	
Common Yellow Throat (<i>Geothlypis trichas</i>)								x	
American Crow (<i>Corvus brachyrhynchos</i>)				x					
Red Fox (<i>Vulpes vulpes</i>)								x	
White-Tailed Deer (<i>Odocoileus virginianus</i>)				x					
Eastern Gray Squirrel (<i>Sciurus carolinensis</i>)									
Groundhog (<i>Marmota monax</i>)									

3. Discussion of Survey

Day 1

The survey on day one, October 15th, began around first light at seven-forty-five in the morning. The sky was overcast with temperatures in the upper fifties and a light drizzle. With the vast forest and large deer population on the NIST property that borders the eastern edge of the subject property, it was assumed there would be a large population of deer on the subject property. There was plenty of evidence, but only one deer was actually observed. Aside from the deer, the observations of an Adult Red Fox and three Red-Tailed Hawks proved this site to be a typical, urban-ecosystem.

The Red Fox did not display any behavior that would indicate there was a den near by. It did not take an aggressive posture or make any warning sounds in the vicinity of site three. Two of the Red-Tailed Hawks were observed in flight, one over the subject property, while the other flew into the woods ten feet above site four. The third and

largest of the three Hawks was observed perched high atop a dead tree where it had a good view of the ground and perhaps something to eat.

Day 2

The survey on day two, October 16th, started an hour before the survey on day one, at six-thirty-five in the morning. The sky was again overcast, but temperature was about ten degrees warmer and in the upper sixties. It had rained overnight and vegetation was very wet. The survey was conducted earlier than on day one in order to observe a few more mammals finishing their nocturnal forage before heading home for the daylight hours. Unfortunately, this was not the case on day two. The subject property was dark at the beginning of the survey at site one, but by the time that site was complete, there was some light on the ground and in the woods. Still, no birds were singing until the survey at site two began.

It was a much quieter day altogether on day two. The only mammal observed on the entire site a young male White-tailed deer browsing near site four. At site three, a Red-Tailed Hawk was heard call in the same general location as on day one. After the fifteen minute survey at site three, a closer look of the Hawk was made by walking closer to the area it was calling from. It was a large bird and seemed to be about the same large size, and possible the same bird as on day one. The location of the tree allowed the bird to have a good view of the forest floor. Overall, day 2 did not produce the type results that were expected, but did confirm the existence of some residence species.

VI. Potentially Problematic Species

The three species of wildlife considered to be potentially problematic on the subject property are White-Tailed Deer, Groundhogs, and Red Foxes. The City of Gaithersburg has experienced challenges with the White-Tailed Deer population in other areas. A deer carcass on the northeastern side of the subject property indicates that the deer are traveling to and from the subject property by crossing Quince Orchard Road. This is a sign that the subject property does not provide adequate food and habitat for the deer and serves as a refuge for deer movement. When the forest can not provide enough food and habitat for the deer, they are forced to find them elsewhere. Deer-Vehicle collisions and deer browse of resident's landscaping are the major challenges associated with urban deer management.

The proposed development of the subject property includes approximately forty-one townhomes, twenty-three single family homes, and two condominium buildings, resulting in the removal of 3.37± acres of forest. The concern with the potentially problematic wildlife is that when development begins, the larger mammal species including the White-Tailed Deer, Groundhogs, and Red Foxes will be forced to flee the subject property. With the subject property bordered by roads on three sides, there is an increased potential for wildlife/vehicle collisions due to them fleeing across the roads. Since the site serves as a refuge, the larger mammals may be habituating elsewhere.

VII. Options for Managing Problematic Species

Non-Lethal

- Fencing
- Habitat modification and removal of food sources
- Drive wildlife by hazing and frightening techniques
- Trapping and relocation
- Repellents
- Visual deterrents
- Audio deterrents
- Planting unpalatable plants

Lethal

- Regulated hunting
- Managed hunting

VIII. Short/Long-term Success of Management

The management of White-Tailed Deer populations in the urban and suburban environment has been studied extensively. Reports and findings cite several management strategies to address various conflicts associated with deer in the urban environment. There are both non-lethal and lethal strategies to address wildlife. For the purposes of the subject property, the wildlife management will focus on White-Tailed Deer, Groundhogs, and Red Foxes.

Non-Lethal Options

Fencing

Utilization of a six to eight foot tall chain link fence can physically restrict the migration of animals from one area to another. A fence can be used temporarily to restrict access and/or direct the movement of the wildlife. An existing eight foot chain link fence is located along the eastern side of the subject property. This fence prevents the movement of deer from the subject property to the NIST property, and vice versa. There is an existing location within the Quince Orchard subdivision where deer appear to move in and out of the NIST property.

Habitat Modification

As mentioned earlier, White-Tailed Deer require a large plant diversity to sustain their dietary and habitat needs. Deer will respond to the availability of food and shelter by seeking out those areas that provided the greatest opportunity. The habitat modification will also expose the burrows for the Groundhogs and Red Foxes. Without the proper habitat to disguise their burrow openings, they will flee the subject property seeking a safer haven.

Habitat modification should take place in advance of construction activities so that wildlife no longer favors the subject property and has time to safely relocate elsewhere. Modifications include removing the shelter-providing scrub-shrub brush edges of the forest, tree limbs below ten feet, climbing vines, and herbaceous and woody ground cover.

Hazing and Frightening Techniques

There are different techniques to drive the wildlife from the subject property including hazing and frightening. This can be done any time before the development is scheduled to begin. The preference is to drive the wildlife from the subject property immediately before development is to begin, to lessen the chances that they will return. This is a short-term technique that will drive the wildlife safely off the subject property and out of harms way.

Trapping and Relocation

Another way to remove the wildlife from the subject property is to trap and relocate them. This can be very stressful to wild animals. It can lead to loss of appetite and makes them more vulnerable to disease or predation. They are also placed in a new habitat where they are unfamiliar, putting them at a disadvantage of finding a home and food. Introducing new animals to already established populations can lead to fights with residents and exclusion from the community drinking and feeding areas. Disease is another factor that transporting wildlife can vector. Established populations could be living with disease among them, but introducing disease to new population will allow for its spread into new areas (FWCC, 2004). According to the Missouri Department of Conservation, the mortality rate of relocated White-Tailed deer is sixty to eighty percent. This technique is can be a short or long-term resolution. In the short-term, other local wildlife could move to the site where the habitat has been vacated. For the long-term, the forest on the subject will be removed with no habitat for the wildlife.

Repellents, Visual deterrents, and Audio deterrents

In order to keep the wildlife from returning to the subject property during forest removal and construction, replants, visual, and audio deterrents can be established in different locations. There is acceptable wildlife habitat located to the south of the subject property in the Muddy Branch watershed. Between the homes of Quince Orchard Park and the fence along the NIST property, there is an asphalt path runs adjacent to the watershed. The resident wildlife of the subject property do not have far to travel to find a new home and traveling deer will be inclined not to stay on the subject property. There are currently holes dug under the fence that are large enough for both Groundhogs and Red Foxes. These measures will only be active during the initial forest cleaning and construction to prevent the wildlife from returning.

Planting Unpalatable Plants

To keep the wildlife from returning to the subject property, unpalatable plant species can be planted. This is more geared toward deer and Groundhogs because the Red Foxes are scavengers. Planting unpalatable species will prevent the wildlife from eating in this area, and prevent them from returning. This is a long-term technique that can keep the wildlife from eating landscaping and other ornamental plants.

Lethal Options

Regulated and Managed Hunting

Lethal removal of the White-Tailed Deer is the most effective way of managing White-Tailed Deer. This eliminates the population without compromising other factors

(traffic, landscapes, etc). As the City of Gaithersburg has experienced with other projects, the lethal removal of deer is not a politically accepted alternative.

These management techniques will be successful at removing the wildlife. The subject property is zoned to be developed and the habitat preferred by the wildlife species will be removed. In the short-term, the wildlife will be forced to find habitat and rapidly adjust to new home. In the long-term, the wildlife will be safer living either on the NIST property or in the Muddy Branch watershed because of their distance from the passing motorists.

IX. Human-Wildlife Interactions Prior to Development

The purpose of this section is to assess and evaluate the effect that any new human activity will have on existing wildlife populations considering any level of current possible wildlife habituation with humans. The site is located within and adjacent to areas developed as high-density residential and commercial uses. It is likely that the wildlife populations found on site are fairly habituated to human activity and that the wildlife populations will not react abnormally to development activity on the site.

The only evidence of human-wildlife interactions observed during the survey was a dead deer that had been struck by a vehicle. The deer carcass was located in the north-east corner of the subject property. There was no other evidence observed that indicated any human-wildlife interactions on or near the subject property.

X. Edge-Area Ratio

The edge-area ratio is a value of the number of linear feet of the edge of a forest stand to the size of the forest stand. This technique is usually employed to prioritize forests for management strategies as it relates to forest health in addition to wildlife species habitat preferences. Different wildlife species known to exist at this site have varying preferences related to their habitat preference as it relates to the forest edge. Generally, deer prefer forest edges for the forage that the adjacent scrub-shrub brush and manicured lawn provide while maintaining the safety of immediate retreat to the forest. Some bird species may prefer habitat situated further in a forest from the edge to avoid predators.

The project proposes to remove the majority of the existing forest on the subject property resulting in minimal forest area with a lot of edge habitat. The remaining forest will be part of a buffer, approximately one-hundred foot wide (50' transit ROW, 50' forest conservation), extending along the northern border of the subject property. This buffer of woods and open space can still function as a sanctuary for wildlife moving along their natural corridor from Seneca Creek State Park and the Muddy Branch Watershed. The adjacent NIST property will provide refuge for the birds that have easy access. The Groundhogs and Foxes can use existing burrows that that extend under the NIST fence to reach the property, while the deer can travel north to Seneca Creek State Park or

south to the Muddy Branch Watershed.

XI. Wildlife Migratory Corridors

The grading sequence for this site will allow for maximum natural wildlife migration and the minimization of "pinch points". Native wildlife populations will naturally move away from disturbances and towards existing wildlife corridors and suitable habitat. The first phase of this project will begin in the western portion of the site. The first phase of construction shall introduce any existing wildlife populations to the site's development and encourage migration towards the protection of the adjacent NIST property or Seneca Creek State Park and the Muddy Branch Watershed, both located within one half mile of the subject property. This wildlife migration rationale is based on intrinsic animal behavior to move away from disturbances.

The subject property is situated in the southeast quadrant of the intersection of Quince Orchard Road and Twin Lakes Drive. Quince Orchard Road is well traveled and has traffic throughout the day. With a disturbance in the southwest section of the site and roads to the north, the wildlife populations instinctive reaction will be to migrate south and east away from the roads and construction activities. There are no pinch points between the construction activity and natural wildlife corridors.

Many wildlife species, particularly Deer, will remain in their home range and not migrate far. The adjacent NIST property, Seneca Creek State Park, and Muddy Branch Watershed extend beyond the site and to local natural areas and parks. Several potential pinch-points may exist within this corridor for those species that desire to migrate through the natural corridor. To the north, Seneca Creek State Park is beyond Quince Orchard Road and high-density residential development. This is an existing pinch point along the corridor. This pinch-point is an existing condition without a substantial forested area between the pinch-point and the proposed development. Additionally, the eastern border of the subject property is fenced, while to the south there is a corridor connecting the subject property to the Muddy Branch Watershed. These factors would mitigate the effects of any fleeing animals and lessen the likelihood that the animal attempt to cross a roadway in a panic state.

XII. Minimization of Isolated Wildlife Habitat Areas

The initial construction will begin in the western portion of the site for the primary purpose of removing the vegetation and trees for the installation of a stormwater management facility. Initiating site clearing in the western portion of the site allows natural migration for native wildlife away from disturbance and towards suitable habitat. Migration away from the initial clearing area will naturally lead native wildlife east. East of the site is the NIST property and an existing wildlife corridor where natural wildlife habitat and migration routes presently exists. To the north and south of the eastern edge are Seneca Creek State Park and the Muddy Branch Watershed, both within one-half mile of the subject property. The first construction element to be initiated is the installation of perimeter sediment and erosion control methods. This task would likely

last several days. This activity will encourage the migration of existing wildlife to natural wildlife corridors without creating an isolated habitat.

XIII. Landscape Design/Natural Resource Management Techniques

The project proposes to retain an approximately hundred foot open space buffer (50' transit ROW, 50' buffer) of forest along the northern boundary of the subject property. This area will not contain enough habitats for the larger mammals, but will provide for smaller mammals and birds. The landscaping on the proposed development may include plants not preferred by the wildlife being removed from the subject property. This will reduce to occurrences of wildlife on the subject property and force them to seek food elsewhere.

XIV. Construction Activity Schedule

Considering the limited size of the property, the transient nature of the property as a refuge area and the limited diversity of mammal species, the timing of wildlife activities would be unpredictable. At any given time of the year, the property may contain more or less wildlife activity. Establishing a construction schedule in response to this unpredictable phenomenon would not be practical.

XV. Summary/Recommendations

As evidenced in site visits, wildlife activity within the immediate vicinity of the proposed development is minimal. This is likely due to the current level of human activity around the subject property, adjacent high-density residences, and presence of sufficient habitat within easy access. However, wildlife activity does exist on the subject property to a small extent. The wildlife management recommendations for this project were developed are as follows.

1. Fencing

Install a six to eight foot tall fence along the northern and western edges of the subject property as shown on the following graphic (Figure 1). The primary purpose of the fencing shall be to limit the ability of deer to flee onto Quince Orchard Road and result in a deer/vehicle collision. The fencing should be installed prior to commencing clearing and grading and should remain until the clearing and mass grading is complete.

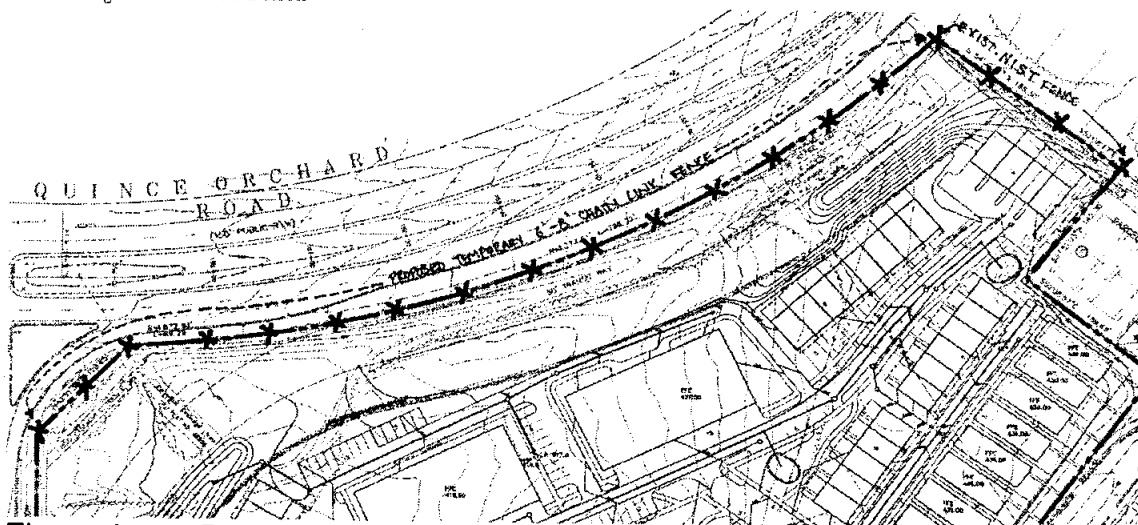


Figure 1: Proposed 6'-8' chain link fence to restrict deer and other mammals from fleeing onto Quince Orchard Road (Graphic not to scale)

2. Wildlife Inspections/Harassment

Prior to clearing and grubbing initiatives a Natural Resource Specialist (NRS) is to inspect the area to be cleared to identify active dens and nests. Any such dens or nests located are to be clearly marked. Prior to commencement of grading activities, harassment of the active site to be undertaken for purposes of discouraging the animal from the site. Harassment measures may include placing ammonia-soaked rags in the burrow or using a shovel to rough-up the entrance into the burrow. The purpose of the modifications shall be to alter the nature of the habitat to discourage return by the resident animal. In instances when harassment is unsuccessful, efforts shall be undertaken to pursue grading of the den area using shovels or smaller rubber-tired equipment to allow the animal a greater opportunity to vacate safely.

3. Emergency Response Plan

Following the site inspection by the NRS for each phase, the developer will provide local wildlife organizations (Second Chance Wildlife, Montgomery County Humane Society, City of Gaithersburg Animal Control) with a copy of the NRS findings and its anticipated site clearing schedule for the phase. Prior to commencing clearing for each phase, the developer will ensure that the site contractor has contact information for each of the wildlife organizations listed below:

Second Chance Wildlife (301) 926-9453 Mon.-Fri. 9 am- 5 pm

Will treat most wildlife. Do not pick up wildlife.

Directions:

East on Quince Orchard Road (Rte 124), Right on Barcelona Drive, 7101 Barcelona Drive.

City of Gaithersburg: Animal Control (301) 258-6343 Mon. – Fri. 8 am – 5 pm.

Can remove alive or dead animals.

Montgomery County Humane Society: (240) 773-5900

24 Hour, 7 Day a week hotline for dealing with injured animals.

Appendix A
Survey Data

Site Name Quince Orchard Vistas **Date** 10/14/2004 **GPS'd** YES
Time 7:45a **Start Time** 8:50a **End Time** 8:05a
Weather Overcast, upper 50s, drizzle
Survey Point Site 1 - Day 1

Type of Habitat:

Upland Meadow

Autumn Olive	<i>Elaeagnus umbellata</i>
Pear spp.	<i>Pyrus spp.</i>
Goldenrod	<i>Solidago spp.</i>
Rubus spp.	<i>Rubus spp.</i>
Honey Suckle vine	<i>Lonicera japonica</i>
Deertongue	<i>Diachanthelium clandestinum</i>

Canopy Closure 0%

Type of Wildlife:

Visual:

Northern Cardinal	<i>Cardinalis cardinalis</i>
Northern Mockingbird	<i>Mimus polyglottos</i>
Blue Jay	<i>Cyanocitta cristata</i>
Gray Catbird	<i>Dumettella carolinensis</i>
Mourning Dove	<i>Zenaida macroura</i>

Vocal:

Chimney Swift	<i>Chaetura pelagica</i>
Barn Swallow	<i>Hirundo rustica</i>
Common Grackle	<i>Quiscalus quiscula</i>
American Robin	<i>Turdus migratorius</i>

Evidence:

Deer scat
Deer tracks

Site Name Quince Orchard Vistas Date 10/14/2004 GPS'd YES
Time 8:06a Start Time 8:12a End Time 8:27a
Weather Overcast, upper 50s, drizzle
Survey Point Site 2 – Day 1

Type of Habitat:

Bottom Land

Box Elder	<i>Acer negundo</i>
Black Cherry	<i>Prunus serotina</i>
Wild Strawberry	<i>Fragaria</i>
Rubus spp.	<i>Rubus spp.</i>
Polygonum spp.	<i>Polygonum spp.</i>
Sugar Maple	<i>Acer saccharum</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Bush Honey Suckle	<i>Diervilla lonicera</i>

Canopy Closure 80%

Type of Wildlife:

Visual:

Eastern Grey Squirrel	<i>Sciurus carolinensis</i>
Northern Mockingbird	<i>Mimus polyglottos</i>

Vocal:

None

Evidence:

Ground hog holes	<i>Marmota monax</i>
Small rodent hole (6x4")	
Heavy deer browse on Bush Honey Suckle and Black Cherry regeneration	
Deer tracks	

Site Name Quince Orchard Vistas Date 10/14/2004 GPS'd YES
Time 8:28a Start Time 8:35a End Time 8:50a
Weather Overcast, upper 50s, drizzle
Survey Point Site 3 – Day 1

Type of Habitat:

Bottomland Thicket

Pokeweed

Phytolacca americana

Beef Steak Mint spp.

Perilla frutescens

Black Cherry

Prunus serotina

Stilt Grass

Microstegium vimineum

Autumn Olive

Elaeagnus umbelatta

Canopy Closure 30%

Type of Wildlife:

Visual:

Red Fox (Adult)

Vulpes vulpes

White-Tailed Deer (female)

Odocoileus virginianus

Vocal:

Red Tail Hawk

Buteo jamaicensis

Northern Mockingbird

Mimus polyglottos

Wood Thrush

Hylocichla mustelina

Ovenbird

Seiurus aurocapillus

Evidence:

Deer scat

Deer tracks

Heavy trampling, numerous pathways, an obvious high-traffic area

Red Fox scat

Site Name Quince Orchard Vistas Date 10/14/2004 GPS'd YES
Time 8:50a Start Time 9:00a End Time 9:15a
Weather Overcast, upper 50s, drizzle
Survey Point Site 4 -- Day 1

Type of Habitat:

Upland Edge

Pokeweed	<i>Phytolacca americana</i>
Polygonum spp	<i>Polygonum spp.</i>
Rubus spp.	<i>Rubus spp.</i>
Black Cherry	<i>Prunus serotina</i>
Autumn Olive	<i>Eleagnus umbelatta</i>

Canopy Closure 20%

Type of Wildlife:

Visual:

Red Tail Hawk	<i>Buteo jamaicensis</i>
Eastern Grey Squirrel	<i>Sciurus carolinensis</i>
Mourning Dove	<i>Zenaida macroura</i>

Vocal:

Northern Mockingbird	<i>Mimus polyglottos</i>
Northern Cardinal	<i>Cardinalis cardinalis</i>
Blue Jay	<i>Cyanocitta cristata</i>
American Robin	<i>Turdus migratorius</i>
Common Grackle	<i>Quiscalus quiscula</i>

Evidence:

Ground hog holes	<i>Marmota monax</i>
Deer tracks	
Deer bedding area (large trampled area)	
Squirrel nest	

Site Name Quince Orchard Vistas Date 10/15/2004 GPS'd YES
Time 6:35a Start Time 6:40a End Time 6:55a
Weather Overcast, upper 60s
Survey Point Site 1 - Day 2

Type of Habitat:

Upland Meadow

Autumn Olive

Pear spp.

Goldenrod

Rubus spp.

Honey Suckle vine

Deer Tongue

Elaeagnus umbellata

Pyrus spp.

Solidago spp.

Rubus spp.

Lonicera japonica

Diachanthelium clandestinum

Canopy Closure 0%

Type of Wildlife:

Visual:

None

Vocal:

None

Evidence:

Deer scat

Deer tracks

Site Name Quince Orchard Vistas Date 10/15/2004 GPS'd YES
Time 6:56a Start Time 7:00a End Time 7:15a
Weather Overcast, upper 60s
Survey Point Site 2 – Day 2

Type of Habitat:

Bottom Land

Box Elder	<i>Acer negundo</i>
Black Cherry	<i>Prunus serotina</i>
Wild Strawberry	<i>Fragaria</i>
Rubus spp.	<i>Rubus spp.</i>
Polygonum spp.	<i>Polygonum spp.</i>
Sugar Maple	<i>Acer saccharum</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Bush Honey Suckle	<i>Diervilla lonicera</i>

Canopy Closure 80%

Type of Wildlife:

Visual:

None

Vocal:

Carolina Chickadee	<i>Poecile carolinensis</i>
--------------------	-----------------------------

Evidence:

Ground hog holes	<i>Marmota monax</i>
Small rodent hole (6x4")	
Heavy deer browse on Honey Suckle Bush and Black Cherry regeneration	
Deer tracks	

Site Name Quince Orchard Vistas Date 10/14/2004 GPS'd YES
Time 7:16a Start Time 7:20a End Time 7:35a
Weather Overcast, upper 60s
Survey Point Site 3 - Day 2

Type of Habitat:

Bottomland Thicket

Pokeweed

Phytolacca americana

Beef Steak Mint spp.

Perilla frutescens

Black Cherry

Prunus serotina

Stilt Grass

Microstegium vimineum

Autumn Olive

Elaeagnus umbellata

Canopy Closure 30%

Type of Wildlife:

Visual:

None

Vocal:

Red Tail Hawk

Buteo jamaicensis

Carolina Chickadee

Poecile carolinensis

Tufted Titmouse

Baeolophus bicolor

Carolina Wren

Thryothorus ludovicianus

Ovenbird

Seiurus auricapillus

Common Yellow Throat

Geothlypis trichas

Evidence:

Deer scat

Deer tracks

Heavy trampling, numerous pathways, an obvious high-traffic area

Red Fox scat

Site Name Quince Orchard Vistas **Date** 10/14/2004 **GPS'd** YES
Time 7:35a **Start Time** 7:40a **End Time** 7:55a
Weather Overcast, upper 60s
Survey Point Site 4 – Day 2

Type of Habitat:

Upland Edge

Pokeweed

Phytolacca americana

Polygonum spp

Polygonum spp.

Rubus spp.

Rubus spp.

Black Cherry

Prunus serotina

Autumn Olive

Eleagnus umbelatta

Canopy Closure 20%

Type of Wildlife:

Visual:

American Crow

Corvus brachyrnchos

White-Tailed Deer (young male)

Odocoileus virginianus

Vocal:

None

Evidence:

Ground hog holes

Marmota monax

Deer tracks

Deer bedding area (large trampled area)

Squirrel nest

Appendix B
Site Map

References:

- Animal Diversity Web by University of Michigan Museum of Zoology. Retrieved October 2004. <http://animaldiversity.ummz.umich.edu/site/index.html>.
- City of Gaithersburg, '*Environmental Standards for Development-Regulation 01-01*', Adopted November 2001
- David, Henry, J. *Red Fox: The Catlike Canine*. Smithsonian Institute Press. 1997.
- Florida Fish and Wildlife Commission. *Relocation*. Retrieved October 2004. <http://www.wildflorida.org/critters/relocation.asp>.
- Frese, Eileen D. *Controlling Deer Herds, Who has the Rights?* West Magazine. Retrieved October 2004. http://espn.go.com/outdoors/hunting/s/h_fea_deer_control_MO.html.
- Macris, Hendricks, and Glascock, P.A., '*Natural Resources Inventory/Forest Stand Delineation - The Vistas Quince Orchard Park*', Approved July 28, 2004.
- Maryland Department of Natural Resources Wildlife and Heritage Service web site. Retrieved October 2004. <http://www.dnr.state.md.us/wildlife/ieplists.html>.
- Noonan, Bob. *Danger Underground*. Wildlife Control Technology Magazine. Retrieved October 2004. <http://www.wctech.com/hbt.htm>.
- United States Department of Agriculture, Natural Resource Conservation Service Plant Database. Retrieved October 2004. <http://plants.usda.gov/index.html>.

Memorandum of Understanding

October 24, 2006

This Memorandum of Understanding (MOU) is made this 27th day of October, 2006 by and between Churchill Development Corporation (CDC) and the Quince Orchard Park Community Association Board of Directors (QOPCABD). This MOU is contingent upon the approval of annexation of The Vistas parcel by the members in accordance with the provisions of the legal documents of QOPCA.

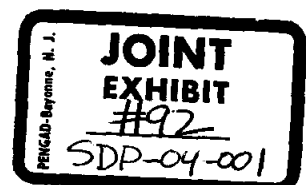
Recitals

- A. CDC is the Owner of approximately 13.05 acres of land commonly known as the "Vistas".
- B. CDC is currently in the process of subdividing the "Vistas" into 83 residential units in accordance with the City of Gaithersburg rules and regulations.
- C. QOPCABD represents the homeowners of the "Quince Orchard Park Community Association, Inc." (QOPCA) which is a residential neighborhood adjacent to the "Vistas" consisting of approximately 503 residential units.
- D. The QOPCA is subject to certain covenants, restrictions and bylaws as recorded among the land records of Montgomery County.
- E. The QOPCA covenants allow for the annexation of additional property into the Community Association.

Now, therefore, in order to effect the contemplated annexation the parties make the following mutual agreements and understandings:

Understandings

- 1. The QOPCABD will support CDC in its submission and approval of the attached schematic plan (prepared by Macris, Hendricks and Glascock dated 7/25/06) to the City of Gaithersburg through the subdivision and site plan approval process.
- 2. Both parties recognize that the City of Gaithersburg has final approval of the plan and subdivision; therefore, the final approved plan may differ somewhat from the attached plan.
- 3. QOPCABD will appoint a committee to meet with and advise CDC on the design of the 2 over 2 condominiums. CDC will use its best efforts to address



the concerns of this committee; however, final approval of the design will remain with CDC.

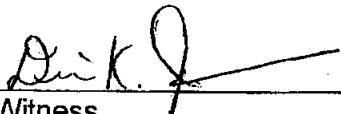
4. CDC agrees that the architectural guidelines for the "Vistas" will meet or exceed the current guidelines in effect at QOPCA.
5. CDC will provide all legal documentation necessary for the annexation including attorney's fees. The annexation will take place prior to the settlement of the first unit.
6. CDC will provide that at each settlement the new homeowner is assessed a capital contribution in the amount of five hundred dollars (\$500.00); these funds will go directly to the management association.
7. CDC will establish a separate condominium association for the 2 over 2 units (similar to the current associations) which will be part of the master association.
8. Homeowners of either the Vistas or QOPCA will be free to enjoy each others amenities without restriction and will have all customary egress and access rights and responsibilities as currently provided for in the covenants and restrictions.
9. CDC, will make a cash capital contribution in the amount of \$195,000.00 for the QOPCABD to use for the expansion of the clubhouse or any other capital improvement it chooses. This contribution will be made within 30 days of CDC receipt of its grading permit.
10. CDC will, at a minimum, provide a hard surface multi purpose area with a basketball hoop in the area identified as "multi purpose field" on the schematic development plan. This area shall be fenced in and include a practice tennis backstop and security lighting. The intent of the multi purpose field is to provide a relatively flat open lawn area conducive to such activities as soccer, ball playing, and kite flying.
11. CDC requests, that the QOPCABD appoint a committee to meet with and advise CDC on the design of all the public amenities including the tot lot, multipurpose field, other open areas and the final site plan for The Vistas.
12. All amenities on the final approved site plan will be built simultaneously with the contiguous residential units.
13. CDC will provide the initial installation cost of all amenities to be used by the management company for the purpose of estimating capital reserves.
14. Upon each settlement at the Vistas, the new purchaser will become a member of the Quince Orchard Park Community Association, Inc and shall be responsible for the payment of the monthly assessment.

15. CDC shall be responsible for the maintenance, including but not limited to snow removal, of all the common areas associated with each settled until such time as these common areas are taken over by the QOPCA, with the exception of trash pick up. The common areas of the Vistas shall be turned over to the QOPCA in three phases, each phase consisting of approximately 28 units each. The configuration and actual lots included in each phase shall be determined at a future date by CDC. In order to provide for an orderly transition and to alleviate any burden upon the existing Community Association, Churchill Development shall contribute a fee of \$3,000.00 per each phase (total of \$9,000 for the entire project) to compensate for any and all transitional costs and fees associated with inventory units. Said fee shall be paid at the time each phase is transferred.

16. Prior to the acceptance of any phase by the QOPCA, as described above, representatives of both CDC and the QOPCA will perform a walk thru to identify any damages to the common area improvements. The parties agree to execute a memorandum describing the results of their joint inspection. Both parties agree to act in good faith and in a commercially reasonable manner in connection with the preparation of the punch list. CDC will make all necessary repairs as identified on the punch list within 30 days, weather permitting, or as soon thereafter as reasonably possible. CDC reserves the right to delay any repair to a City bonded improvement until such time as the City is able to release the associated bond, unless such delay in repair would cause an inconvenience or hardship to the homeowners.


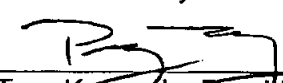
17. CDC will provide insurance to cover the common areas in the amounts and types normally obtained by a Community Association. Upon request CDC will provide a copy of the Certificate of Insurance.

Seen and agreed:


Witness

Churchill Development Corporation
By: 
Eric R. Tovar, President

Date: 10/31/06

Quince Orchard Park Community Association, Inc
Witness 
By: 
Troy Kennedy, President

Date: 10/27/06

Acknowledgment

State of Maryland County of MONTGOMERY

On this 31 day of OCTOBER, 2006, before me, a Notary Public of the State and County aforesaid, personally appeared Eric R. Tovar who acknowledged that he is the President of Churchill Development Corporation and that being so authorized he executed the above agreement on the behalf of Churchill Development Corporation.

[Signature] Notary Public

My Commission Expires: 10/29/07

Acknowledgment

State of Maryland County of Fredrick

On this 31 day of October, 2006, before me, a Notary Public of the State and County aforesaid, personally appeared Troy Kennedy who acknowledged that he is the President of Quince Orchard Park Community Association, Inc and that being so authorized he executed the above agreement on the behalf of the Quince Orchard Park Community Association, Inc.

[Signature] Notary Public

My Commission Expires: My Commission Expires June 02, 2010



CHURCHILL GROUP

A HOMETOWN TRADITION

November 3, 2006

City of Gaithersburg
31 South Summit Ave.
Gaithersburg, MD 20877-2098
Attention: Mr. Greg Ossant
Ms. Caroline H. Seiden

Fax 301-258-6336

Re: The Vistas

Dear Greg:

We would like to request that the Vistas concept plan be placed on the November 13, 2006 agenda predicated on the following:

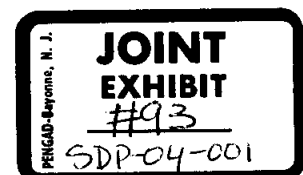
1. A signed copy of the annexation MOU was sent to your attention last week.
2. An updated noise study will be delivered to us the week of the November 6th; a copy will be sent to your attention. This report contains no different information than the previous report as all building locations remain outside the 60 decibel line.
3. "Design Guidelines" are not required for this project. The annexation agreement states that "Any portion of the Subject Property that is rezoned by the City, with GERRECCO's consent, from the I-3 to another zoning classification shall be governed by those zoning and subdivision laws and regulations which are applicable as of the final date of any such rezoning." As you are aware there were no "Design Guidelines" for Quince Orchard Park and the requirement for such guidelines did not come into effect until after this properties rezoning. The requirement for guidelines, therefore, does not apply.

Should you have any questions or need additional information please feel free to call me at 240-243-1000 ext 110.

Sincerely,

William J. Wogatske
Vice President Land Acquisition and Development

cc: Eric Tovar, CDC



5 Choke Cherry Road • Suite 360 • Rockville, Maryland 20850

240.243.1000 • 240.243.0715 fax

www.ChurchillBuilders.com



November 9, 2006

City of Gaithersburg
31 South Summit Ave.
Gaithersburg, MD 20877-2098
Attention: Ms. Caroline H. Seiden

Re: The Vistas

Dear Caroline:

Please find enclosed six copies of the revised Phase I Traffic Noise Analysis for the Vistas as provided by the Polysonics Corporation dated November 8, 2006.

Should you have any questions or need additional copies please feel free to contact me at 240-243-1000 ext. 110 or by email at BWogatske@ChurchillBuilders.com.

Sincerely,

William J. Wogatske
Vice President Land Acquisition and Development





POLYSONICS CORP.

ACOUSTICS AND TECHNOLOGY CONSULTING

www.polysonics-corp.com

PHASE I

TRAFFIC NOISE ANALYSIS

THE VISTAS

Montgomery County

Report #5335

8 November 2006

Prepared for: Churchill Development

Prepared by: Robert M. Brenneman
Senior Acoustical Consultant

Warrenton Office - Corporate
217 East Main St. Remington, VA 22734
Phone: 540-439-4988, Fax: 540-439-9179

DC Office
5115 MacArthur Blvd., NW, Washington, DC 20016
Phone: 202-244-7171, Fax: 202-244-7479



EXECUTIVE SUMMARY

Polysonics has completed a traffic noise analysis for The Vistas site in order to determine traffic noise impact from MD 124 – Quince Orchard Road upon the property. Traffic noise measurements, forecasted traffic volumes, and proposed site plan information were utilized to determine future unmitigated noise contours for the site. Polysonics understands the Montgomery County noise code to be 60 dBA L_{dn} for outdoor recreational activity areas and 45 dBA L_{dn} inside residential living units.

The results of the analysis indicate that all proposed outdoor recreational activity areas are located outside of the 60 dBA L_{dn} impact zone, and will readily meet Montgomery County noise code standards.

From noise levels calculated at upper floor receiver locations, all proposed residential units will be located outside of the 65 dBA L_{dn} upper level impact zone. Therefore, no special treatments are required to achieve interior noise level requirements (45 dBA L_{dn}) for proposed residential units on the property, provided that the percentage of windows for a given exterior wall does not exceed 20-30%.

EXISTING NOISE AND TRAFFIC CONDITIONS

On November 18-19, 2004, Polysonics conducted a 24-hour traffic noise measurement survey at The Vistas site to determine traffic noise impact from MD 124 – Quince Orchard Road upon the property. Quince Orchard Road is a 4-lane divided roadway located adjacent to the site. Traffic noise measurements were made at two locations on the property, designated as M1 and M2 on the enclosed site plan.

M1 and M2 were positioned approximately 135 feet and 55 feet, respectively, from the edge of the nearest travel lane of MD 124 within the northeastern portion of the

site. The northeastern portion of the site was chosen as the measurement location since the grade in this area is at or near road level. Many areas in the western portion of the site are currently below road grade, where traffic noise levels are likely lower.

The instrumentation used for the survey included two Bruel & Kjaer Type 2236 Integrating Sound Level Meters. These instruments are capable of measuring noise levels and calculating statistical results over the time period measured. The units meet ANSI S1.4 standards for Type I Sound Level Meters. Each meter was calibrated prior to the measurement survey, traceable to National Institute of Standards and Technology (NIST). All measurements were made in the standard dBA metric, which best simulates human hearing and is in accordance with Montgomery County standards.

During the 24-hour survey, 30-minute L_{eq} 's were measured and logged into each instrument. The L_{eq} is the average noise level measured over some given time period; in this case, that time period was 30 minutes. These numbers are useful in determining the variations in noise level during the 24-hour period and used to calculate the Day-Night Average Sound Level or L_{dn} .

The L_{dn} is a 24-hour, time-averaged noise level with a 10-dBA "penalty" added during the nighttime hours of 10:00 p.m. to 7:00 a.m. to account for greater human sensitivity to noise at night. The county noise codes are written in terms of the L_{dn} values present at a site. The measured values at the two measurement locations are as follows:

Measurement Location	L_{dn}
M1 (135 feet from edge of nearest travel lane of MD 124)	59.7 dBA
M2 (55 feet from edge of nearest travel lane of MD 124)	63.2 dBA

In addition to the noise measurements, 30-minute peak-hour traffic counts of MD 124 were carried out. This information is used to understand traffic composition and volumes at the time of measurement compared to that of a typical day. On the roadway during the peak hours, medium and heavy trucks each comprised approximately 1% of the total traffic volume on MD 124, while passenger vehicles comprised the remaining 98% of the overall volume for this roadway.

Upon comparison of the survey data and information from the Maryland Department of Transportation State Highway Administration (shown in the table below), the measured traffic noise levels are representative of typical daily traffic given the small sampling time of the count, and its focus on peak-hour traffic, which may have contributed to variation in the percentage of heavy trucks on the roadways.

FUTURE NOISE LEVELS

Utilizing noise level measurements from the measurement survey, future noise levels, accounting for increased traffic volumes and proposed site plan information, were calculated using the Federal Highway Administration's Traffic Noise Prediction Model (TNM). This program is a three-dimensional computer model that determines noise levels from a roadway or combination of roadways and can be utilized to find traffic noise impact to surrounding areas of interest. The model considers topography, type of vehicle, vehicle speed, and horizontal spacing of the parameters. Given these input parameters, it calculates at selected points or "receiver locations", the average noise level. TNM is adopted by FHWA, MDOT, and Montgomery County.

To establish its accuracy, the model was calibrated by using measured data from on-site measurements. In addition to this data, the following roadway information was used to analyze future traffic noise levels for MD 124:

Parameter	MD 124 – Quince Orchard Road
Posted Speed	35 mph
Current ADT (2004)	25,375 vehicles per day
Forecasted ADT (2025)	29,200 vehicles per day
Nighttime Traffic	15%
Percent Autos	97%
Percent Med Trucks	1%
Percent Hvy Trucks	2%

The current and forecasted traffic volumes for each roadway, along with vehicle composition percentages, were obtained from the Maryland Department of Transportation State Highway Administration. The industry standard of 15% was used for the nighttime traffic percentage due to unavailable information concerning average nighttime traffic present on the roadway. Existing topographical and proposed grading information, as well as the locations of the roadway and proposed building lots, was obtained from site plans received in October 2006.

The projected increase in traffic volume on this roadway will not have a significant impact on future noise levels on the property. By 2025, sound levels due to traffic noise from MD 124 are expected to increase by 0.6 dBA.

Receiver locations were placed in outdoor recreational activity areas and at the upper levels of residential units. Data sheets containing specific input and output information for the model are enclosed. Plan views illustrating receiver locations are also

provided. Please note that TNM output results are labeled “LAeq1h”, and all values should be taken as “L_{dn}”.

Information obtained from the model was used to determine unmitigated ground and upper level noise contours for the site, as shown on the enclosed site plans. Please note that these noise contours are unmitigated and do not account for the mitigation effects of trees, vegetation, proposed buildings, or other structures on the property.

OUTDOOR NOISE IMPACT

According to the Montgomery County noise code, The Vistas site must achieve 60 dBA L_{dn} for outdoor activity areas as indicated in the following schedule:

Maximum Guideline Value	Area of Application
55 dBA L _{dn}	Permanent rural areas and where residential zoning is 5 or more acres.
60 dBA L _{dn}	Residential areas of the county where suburban densities predominate. Noise attenuation is recommended to allow attainment of this level.
65 dBA L _{dn}	This guideline is applied to the urban ring, freeway, and major highway corridors. Noise attenuation is strongly recommended to achieve this level.

Outdoor recreational activity areas on The Vistas site include the rear yards of Lots 77-83, a central courtyard area, public art and open spaces, as well as a multi-purpose field.

The results of the analysis indicate that all proposed outdoor recreational activity areas are located outside of the 60 dBA L_{dn} noise impact zone, and will readily meet Montgomery County noise code standards. The highest unmitigated future traffic noise

levels, 58.7-58.8 dBA L_{dn} , will impact areas of the ½-acre open space and the multi-purpose field that are closest to the roadway.

INDOOR NOISE IMPACT

Montgomery County noise code requires residential interior noise levels to meet 45 dBA L_{dn} levels. A residential unit of good quality construction in today's market will reduce noise levels as high as 65 dBA to a recommended level of 45 dBA without modification. Townhomes, single-family homes, and 2-over-2 condominium units are planned to be constructed on the property.

From noise levels calculated at upper floor receiver locations, all proposed residential dwellings on the property will be located outside of the 65 dBA L_{dn} noise impact zone. The highest levels, 60.5-61.0 dBA L_{dn} , will impact the upper floor facades of townhomes located on Lots 52, 70, and 83.

Given that all residential units are located outside of the future unmitigated 65 dBA L_{dn} noise impact zone, required 45 dBA L_{dn} interior noise levels can be met with normal construction. Polysonics recommends the following STC rated materials to be used as normal construction:

Building Element	Recommended
Walls	39 STC
Windows	28 STC*
Doors	28 STC

*Windows and glass doors should not comprise more than 20% of the exterior surface of any room.

Should the window percentage of the exterior surface of any room of a given residential unit exceed 20-30%, it is recommended that a Building Shell Analysis be performed when architectural plans become available to determine exactly what modifications are necessary to insure interior noise level requirements.

RESULTS AND CONCLUSION

In conclusion, the following bullets address the major acoustical points of this project:

- According to the Montgomery County noise code, The Vistas site must achieve 60 dBA L_{dn} noise levels for outdoor activity areas. The results of the analysis indicate that all proposed outdoor recreational activity areas are located outside of the 60 dBA L_{dn} impact zone, and will readily meet Montgomery County noise code standards.
- From noise levels calculated at upper floor receiver locations, all proposed residential units will be located outside of the 65 dBA L_{dn} upper level impact zone.
- No special treatments are required to achieve interior noise level requirements (45 dBA L_{dn}) for proposed residential units on the property, provided that the percentage of windows for a given exterior wall does not exceed 20-30%.

APPENDIX

DEFINITION OF ENVIRONMENTAL NOISE TERMS

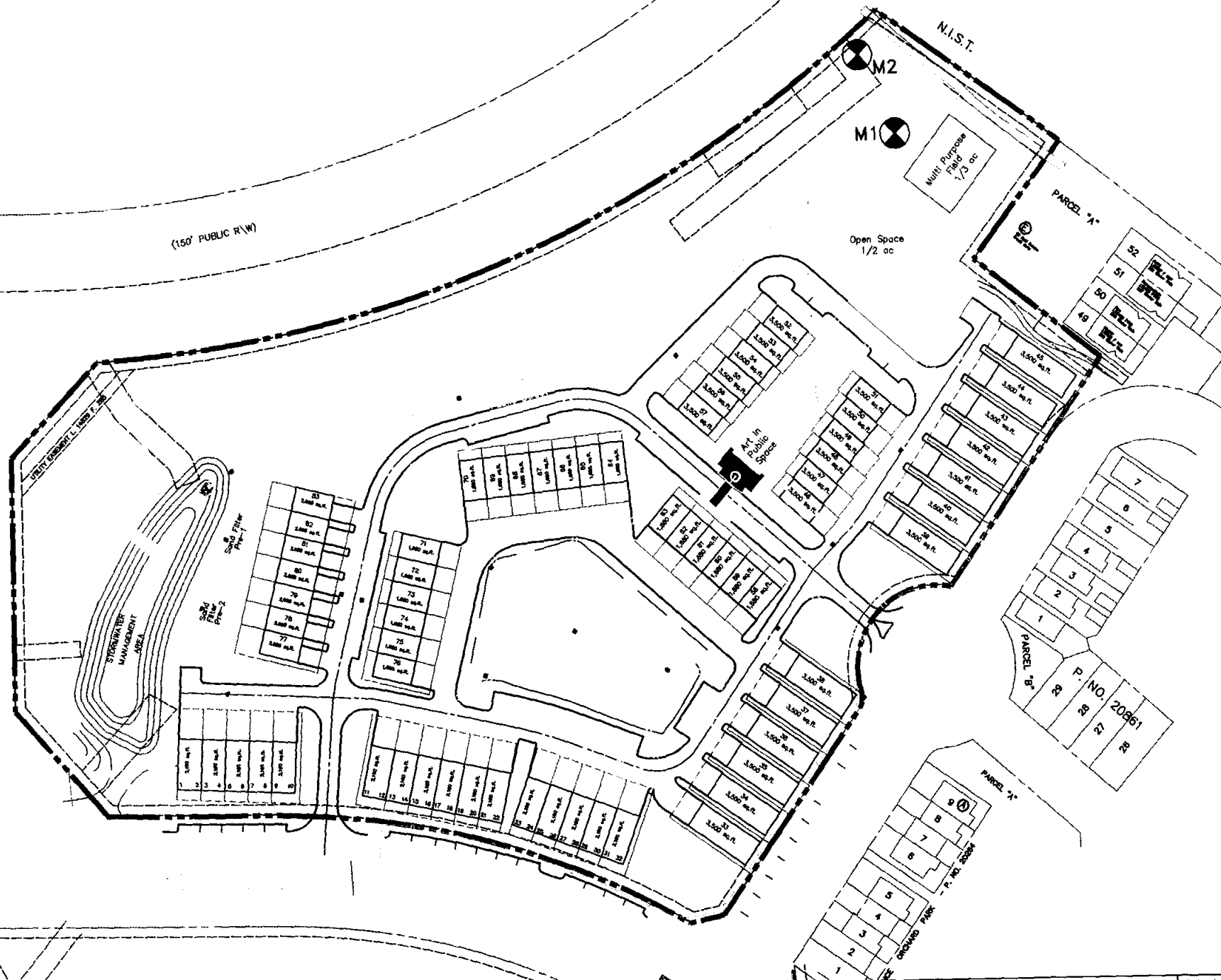
- * Acoustics - the science of sound
- * Ambient Noise - a composite of all background noises
- * A-weighted Sound Level (dBA) - the sound level in decibels using a frequency filter similar to human hearing
- * Decibel (dB) - a logarithmic scale of sound level
- * Diffraction - the change in direction of a sound wave around an object
- * Direct Sound - sound that is emitted from the noise source, not including any reflected sound
- * Level Day-Night (L_{dn}) - the energy equivalent A-weighted continuous sound level compared to a 24-hour varying noise level, with a 10 dBA penalty added to nighttime noise levels between 10 p.m. and 7 a.m.
- * L_{eq} - The average of the sound pressure levels (dBA) measured during some specified time period. In this case, the standard is 1 hour.
- * L_{max} - The maximum sound pressure level measured during some given time period.
- * L_{min} - The minimum sound pressure level measured during some given time period.
- * L_{90} - The noise level exceeded 90% of the time period measured. Generally considered the ambient or background noise level of a location.
- * Masking - covering one sound with another sound
- * Noise - unwanted sound
- * Reflected Sound - sound that has been bounced off of sound-reflecting surfaces

DEFINITION OF ENVIRONMENTAL NOISE TERMS (CONT'D)

- * Sound Pressure Level (SPL) or (L_p) - the average (RMS) pressure level of sound waves at a particular point equal to 20 times the log of the measured RMS pressure divided by the reference pressure which is 20 micropascals

$$SPL = 20 \log \frac{SPL}{SPL \text{ (reference)}}$$

- * Sound Transmission Class (STC) - a rating system for noise reduction through partitions
- * Vibration - the oscillation of a medium or an object



SCALE: NTS
 DRAWN BY: RMB
 DATE: 11/08/06

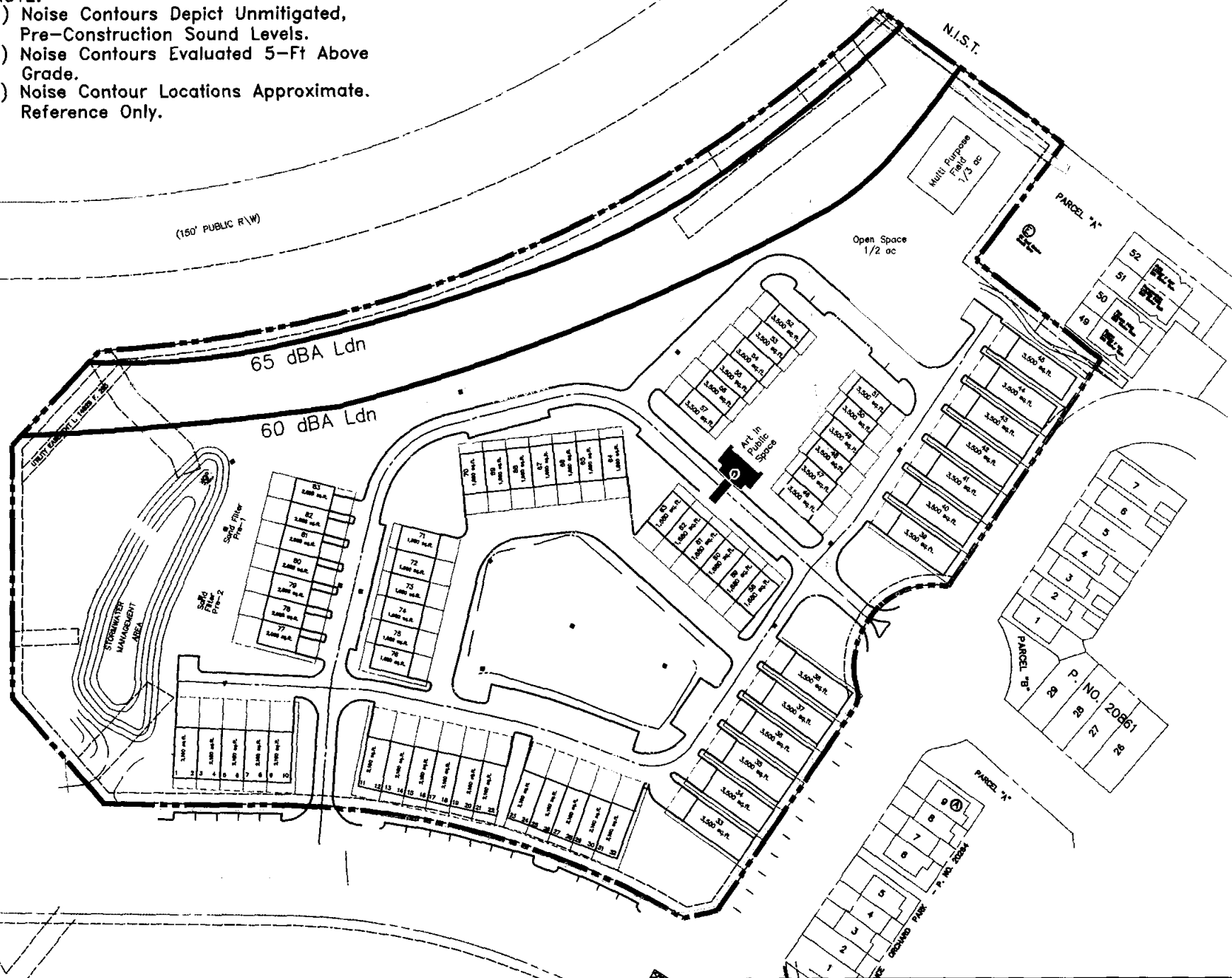
PROJECT TITLE:

THE VISTAS Traffic Noise Measurement Locations

POLYSONICS CORP.
 ACoustics and Technology Consulting
 217 EAST MAIN STREET
 REMINGTON, VA 22254
 540-438-4988
 5115 MACARTHUR BLVD., NW
 WASHINGTON, D.C. 20016

NOTE:

- 1) Noise Contours Depict Unmitigated, Pre-Construction Sound Levels.
- 2) Noise Contours Evaluated 5-Ft Above Grade.
- 3) Noise Contour Locations Approximate. Reference Only.



SCALE: _____
 DRAWN BY: _____
 DATE: 11/08/06

NTS
 RMB

PROJECT TITLE:

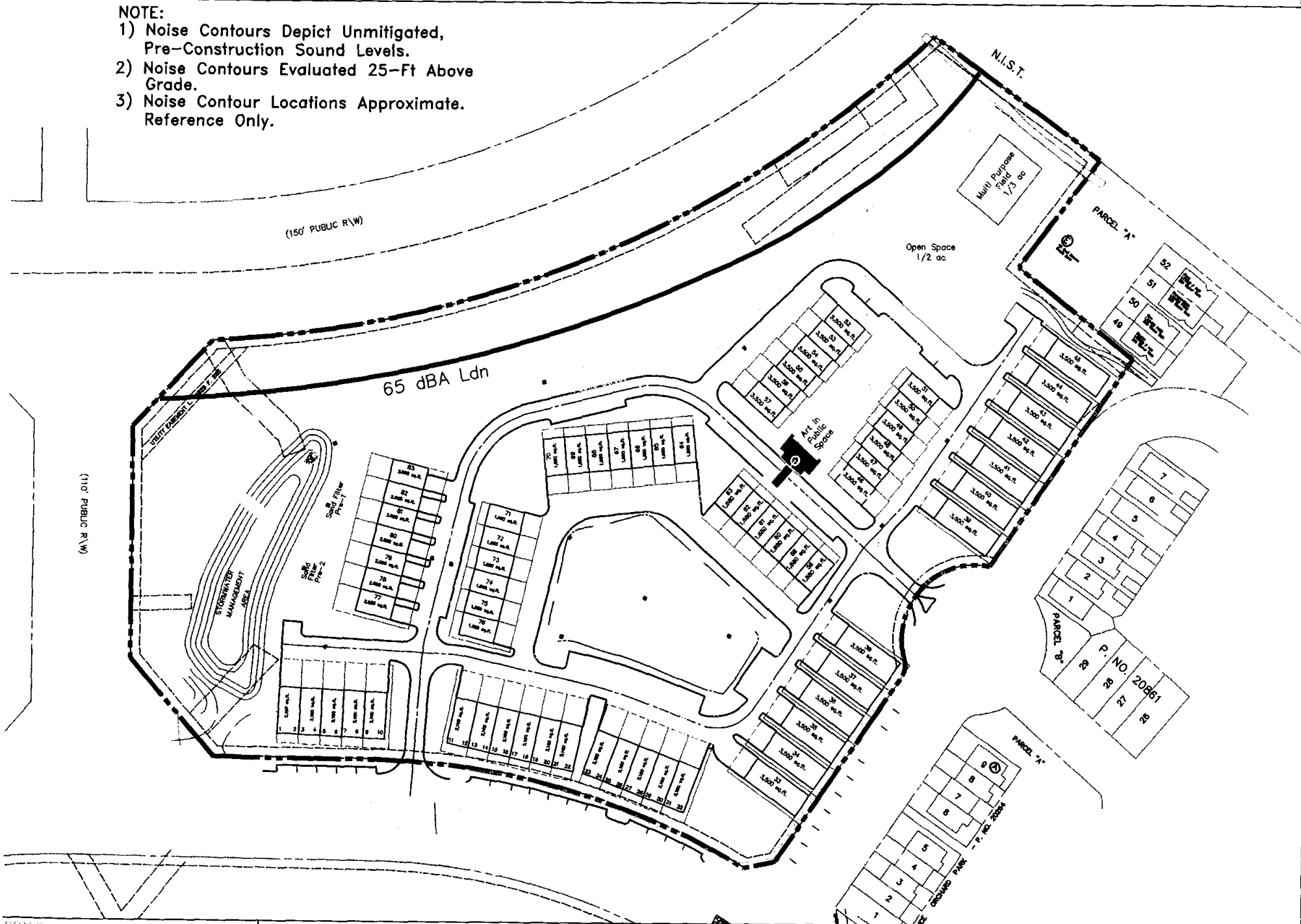
THE VISTAS
 Year 2025 Unmitigated Traffic Noise Contours
 (5 Feet above Grade)



POLYSONICS CORP.
 Acoustics and Technology Consulting
 217 EAST MAIN STREET
 REMINGTON, VA 22734
 540-438-4988
 5115 MACARTHUR BLVD., NW
 WASHINGTON, D.C. 20016

NOTE:

- 1) Noise Contours Depict Unmitigated, Pre-Construction Sound Levels.
- 2) Noise Contours Evaluated 25-Ft Above Grade.
- 3) Noise Contour Locations Approximate. Reference Only.



SCALE: NTS
 DRAWN BY: RMB
 DATE: 11/08/06

PROJECT TITLE:

THE VISTAS
 Year 2025 Unmitigated Traffic Noise Contours
 (25 Feet above Grade)



POLYSONICS CORP.
 ACoustics AND TEChnology CONSULTING
 217 EAST MAIN STREET
 REMINGTON, VA 22734
 540-439-6081
 5115 MACARTHUR BLVD., NW
 WASHINGTON, D.C. 20014

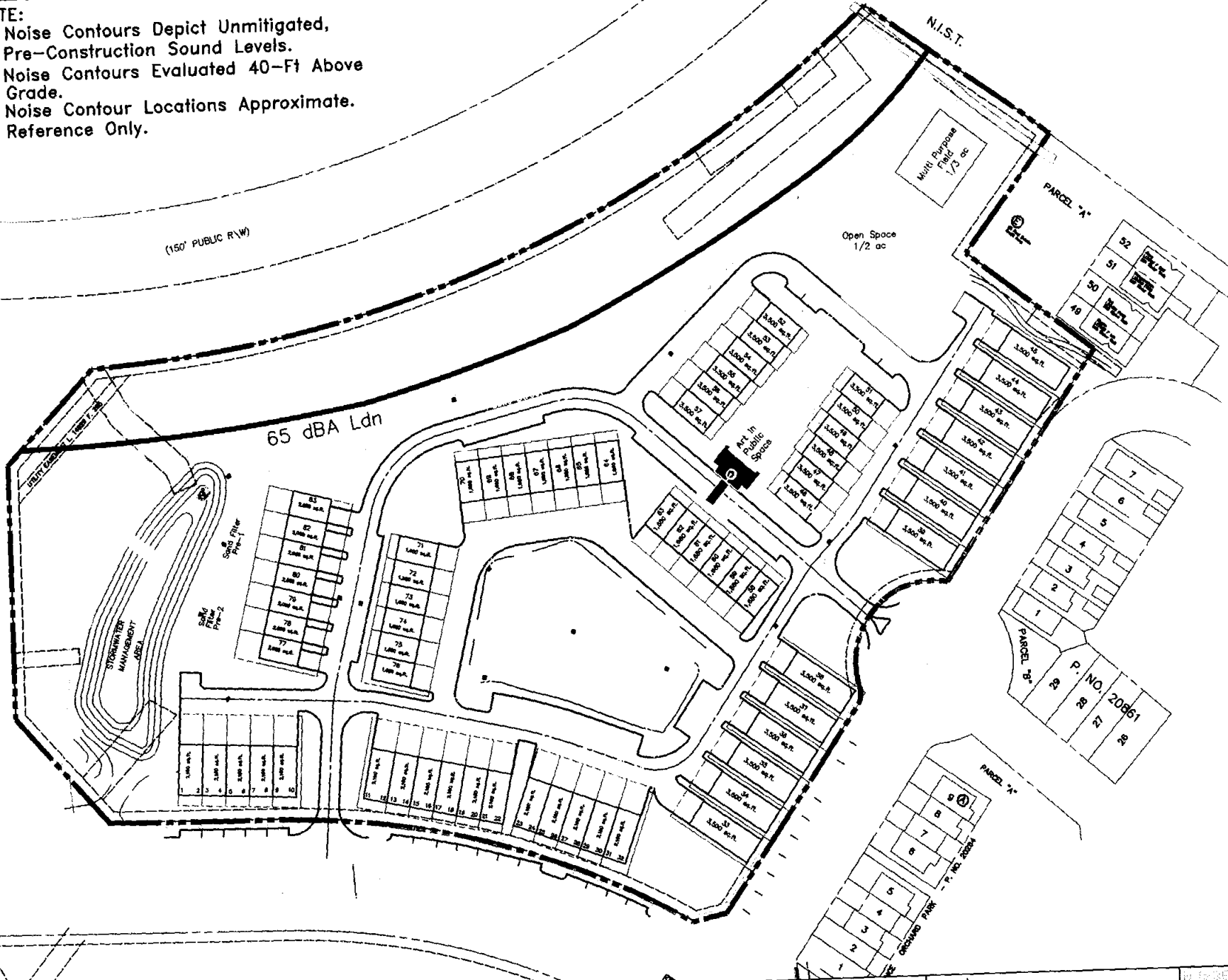
NOTE:

- 1) Noise Contours Depict Unmitigated, Pre-Construction Sound Levels.
- 2) Noise Contours Evaluated 40-Ft Above Grade.
- 3) Noise Contour Locations Approximate. Reference Only.

(110' PUBLIC R/W)

(150' PUBLIC R/W)

65 dBA Ldn



SCALE: NTS
 DRAWN BY: RMB
 DATE: 11/08/06

PROJECT TITLE:

THE VISTAS
 Year 2025 Unmitigated Traffic Noise Contours
 (40 Feet above Grade)



POLYSONICS CORP.
 ACOUSTICS AND TECHNOLOGY CONSULTING
 217 EAST MAIN STREET
 REMINGTON, VA 22734
 540-435-4988
 5115 MACARTHUR BLVD., NW
 ALPHARETTA, GA 30004



**WASHINGTON SUBURBAN
SANITARY COMMISSION**

14501 Sweitzer Lane • Laurel, MD 20707 • 301-206-8000
www.wsscwater.com • TTY: 301-206-8345

TO: CAROLINE SEIDEN, PLANNING AND CODE ADMINISTRATION
CITY OF GAITHERSBURG

FROM: NORMA J. THACKER, DSC TECHNICIAN II
DEVELOPMENT SERVICES GROUP
PHONE #301-206-8643
E-MAIL – nthacke@wsscwater.com

DATE: NOVEMBER 22, 2006

SUBJECT: QUINCE ORCHARD PARK, THE VISTA'S

Site Plan Number: **SDP-04-001**

The above referenced submittal has been reviewed with the following comments:

- ☒ Water and Sewer Extension will be required.
- ☐ Water is available.
- ☒ Existing WSSC facilities are located on the site. Submission should be made to the WSSC.
Call Development Services Center at 301-206-8650.
- ☐ Onsite plan review package should be submitted. Contact our Permit Services Unit at 301-206-4003 for additional information. _____
- ☐ Project # _____ is an approved project within the limits of this proposed site. Contact _____ at _____ for additional information.
- ☐ Additional Rights-of-Way is required. _____
- ☒ Other: The existing 12 " water mainline that traverses the site will need to be abandoned and relocated. Revise this plan to show the proposed relocation of pipeline. Submit a Hydraulic Planning Analysis package to the WSSC Development Services Center (301-206-8650) for review.
- ☐ No comment.

Referral Reply Due Date: 11/24/06





FIRE MARSHAL COMMENTS

DATE: 12/12/2006
TO: IVAN HUMBERSON
FROM: TYLER MOSMAN
RE: QUINCE ORCHARD PARK SDP-04-001

Recommendations:

1. Show fire hydrant locations.
 2. Indicate all radii of all turns on fire department access roads.
 3. Side-hinge door access for each building is required to be within 50' of fire department access road. Note lots 78-83, 48, 49, 54, 55.
 4. Minimum width for one sided parking on fire access road is 28'.
-

The following criteria are provided for the benefit of the applicant:

1. Show compliance with NFPA 1 (2003), Section 18.2.2.2 **Access To Building**.
 - a. Recommendation: Indicate all Fire Department Access Roads.
 - b. Recommendation: Designate all curb to curb widths of all FD Access Roads.
 - c. Note: All FD Access Roads require 20 foot unobstructed width.
 - d. Note: Common driveways are considered fire department access roads for the length they are shared by more than one structure.
 - e. Note: Minimum road width for parking on a FD Access Road: 1 Side – 28 Feet, 2 Sides – 36 Feet.
 - f. Note: Fire Department access roads must be capable of supporting 85,000 lbs.
2. Show compliance with NFPA 1 (2003), Section 18.2.2.5.4 **Dead Ends**.
 - a. Note: Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the turning around of fire apparatus.
 - b. Note: Cul-de-sac type turn-arounds must be 90 ft in diameter with no obstructions in the center.

Cc: MC Department of Permitting Services
Design Professional

Revised: 12/16/2005

Page



- c. Note: Hammerhead type turn-arounds must be 60 ft on each leg and meet other requirements for fire department access roads.
- 3. In accordance with NFPA 1 (2003), Section 18.2.2.5.3 **Turning Radius.**
 - a. Turns in FD Access Roads shall be constructed with a minimum radius of 7.6 m (25 ft) at the inside curb line and a minimum radius of 15.2 m (50 ft) at the outside curb line.
 - b. Recommendation: Designate all radii of all turns on fire department access roads.
 - c. FD Access Roads connecting to roadways shall be provided with curb cuts extending at least 0.6 m (2 ft) beyond each edge of the fire lane.
 - 4. The angle of approach and departure for any means of access shall not exceed 8 degrees.
 - 5. Provide locations of Fire Hydrants.

Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

December 13, 2006

Ms. Caroline Seiden
Planning and Code Administration
City of Gaithersburg
31 South Summit
Gaithersburg, MD 20877

Re: Montgomery County
MD 124 (Quince Orchard Road)
Quince Orchard Park - The Vistas
Phase 1 (Residential)
File #: SDP-04-001
Mile Post: 1.59

Dear Ms. Seiden:

The State Highway Administration (SHA) appreciates the opportunity to review the schematic development plan for Phase 1 of the Vista residential development. This development is part of the larger, overall Quince Orchard Park development plan in Gaithersburg. We are currently reviewing the left-turn lane improvements and signal modifications along MD 124 at Twin Lakes Drive as part of the Quince Orchard Crescents development. An access permit for those improvements is imminent. Specific to the Vista development, we have no additional comments at this time since access is proposed from a City-maintained street, Winter Walk Drive.

If you have any questions, please contact Raymond Burns at 410-545-5592 or by using our toll free number in Maryland only at 1-800-876-4742.

Very truly yours,

for

Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb/jab

cc: Ms. Cathy Conlon / M-NCPPC
Mr. Richard Weaver / M-NCPPC
Mr. Shahriar Etemadi / M-NCPPC
Mr. Sam Farhadi / Montgomery County DPW&T
Mr. Ollie Mumpower / City of Gaithersburg
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com





December 19, 2006

Ms. Caroline Seiden
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: Quince Orchard Park- The Vistas
MHG Project No. 1989.157.73

Dear Ms. Seiden:

The following is a point by point response to your comments previously provided.

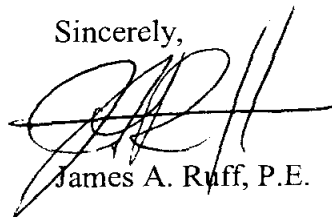
- Include proposed street names.
Street names added to the plan.
- Identify parcels and their square footage as indicated.
The areas are part of larger parcels. We have created an exhibit of the parcels and lots as an explanation (attached).
- Obtain sign off from Pepco and Verizon, as requested.
We will submit the plan.
- Straighten lot lines.
Lot lines were straightened as previously requested. Your comment is referring to the back wall of the units. We have created an exhibit of the parcels and lots as an explanation (attached).
- Provide brick cross walk across street to open space.
Provided.
- Submit a request for a road code waiver.
We will submit a waiver to the ROW width.
- Provide 10' PUE along both sides of public street clear of walks and walls.
Provided.



Ms. Caroline Seiden
City of Gaithersburg
Re: Quince Orchard Park Vistas
December 19, 2006
Page 2 of 2

- Provide location of community signage.
Provided.
- All walks to be 5' (some still labeled 4').
Revised.
- Revise MH's so they don't conflict with PUE's.
Revised.
- Note type of retaining wall and show top and bottom of wall elevations.
Added to plan.
- 12' between center line of sewer and centerline of water with 15" RCP sd in the middle (back of lots 37-38 in alley).
Adjusted.
- Address WSSC comments.
It is understood that a System Extension Permit (SEP) and Relocation Permit would be required. Those requests involve fees and are typically filed after approval of a Preliminary Plan. It is anticipated that the existing loop which was constructed to provide a secondary point of service to the office park prior to the construction of the first phase of the residential property will be abandoned. This is possible because the loop is now complete across Great Seneca Highway. WSSC hydraulic review is part of the SEP application. WSSC will make the determination if the loop can be abandoned.
- Provide revised noise study.
- Provide elevations.

Sincerely,



James A. Ruff, P.E.



LETTER OF TRANSMITTAL

To: Bob Thompson
Verizon
3901 Calverton Blvd.
3rd Floor
Beltsville, MD 20705

From: James A Ruff

Project: Quince Orchard Park
MHG Project No. 1989.157.73.80

Date: December 27, 2006

Subject: PUE

We are sending you the attached items via:

☐ Mail ☒ FEDX ☐ MHG Courier ☐ Orient Express Courier ☐ Your Pickup

Copies	Dwg/Doc Date	Description
3	5	Site Plan

THESE ITEMS ARE TRANSMITTED as checked below:

☐ For Approval ☐ Approved As Submitted ☐ For Your Records ☐ For Your Information
☐ For Your Use ☒ For Review and Comment ☐ As Requested ☐ Returning To You

The city of Gaithersburg asked us to forward this plan to you for review of the proposed PUE's.

Sheet 5 of 5 may be the most useful. We are proposing 10' PUE's on all public streets. Lots 46-57 do not front on public streets so we indicated a 10 PUE wrapping around the private drive.





LETTER OF TRANSMITTAL

To: Ken Farrel
PEPCO
201 West Gude Drive
Rockville, MD 20850

From: James A Ruff

Project: Quince Orchard Park
MHG Project No. 1989.157.73.80

Date: December 27, 2006

Subject: PUE

We are sending you the attached items via:

☐ Mail ☒ FEDX ☐ MHG Courier ☐ Orient Express Courier ☐ Your Pickup

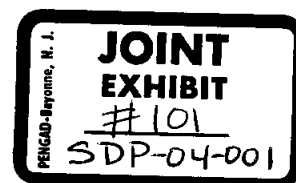
Copies	Dwg/Doc Date	Description
3	5	Site Plan

THESE ITEMS ARE TRANSMITTED as checked below:

☐ For Approval ☐ Approved As Submitted ☐ For Your Records ☐ For Your Information
☐ For Your Use ☒ For Review and Comment ☐ As Requested ☐ Returning To You

The city of Gaithersburg asked us to forward this plan to you for review of the proposed PUE's.

Sheet 5 of 5 may be the most useful. We are proposing 10' PUE's on all public streets. Lots 46-57 do not front on public streets so we indicated a 10 PUE wrapping around the private drive.



MILES & STOCKBRIDGE P.C.

Stephen J. Orens
301-517-4828
sorens@milesstockbridge.com

December 28, 2006

Mr. Greg Ossont, Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098

Ms. Caroline H. Seiden, Planner
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098

Re: The Vista SDP 04-001 –Final Submission

Dear Mr. Ossont and Ms Seiden:

The Schematic Development Plan for The Vista at Quince Orchard Park has been revised to respond to each of the comments that were recently provided to us by Planning Staff. One comment referred to the clarity with which the “Parcels” were distinguished from other areas and from each other. In order to clearly differentiate between the “Parcels” and the detached, town house and condominium buildings, we have prepared an Exhibit (see “E” below) that depicts the residential buildings in hatched areas with the areas encompassed by Parcels “B” and “C” in white. Parcels “E”, “F” and “G” are the footprint locations of the three condominium buildings and they are distinguished from the common area parcels by being drawn in a hatched pattern.

Parcel “A” is distinguished from its surroundings by a different hatched pattern. Parcel “A” includes both the transit way right-of-way and an adjacent wooded area that is also to be dedicated to the City.

Trudy Swartz asked that we explain why Parcel “D” was a separate parcel and not included in Parcel “A”. Parcel “D” is the present location of the monumental entrance sign for Quince Orchard Park and will be transferred to the Homeowners Association. Unlike adjacent Parcel “A”, it is not intended to be dedicated to the City.

The other corrections, such as the specification of 7 feet as the parallel parking space measurement, and the deletion of duplicative easement references have also been made.



In addition, we are including illustrative renderings of the several building types for the Vista community, along with a statement of building material guidelines for your consideration and recommendation to the Planning Commission and the Mayor and City Council.

Also, as requested, we are transmitting herewith an addendum to the Noise Study prepared by Polysonics Corp. The Noise study addendum concludes that the proposed future light rail transit will not create unacceptable noise impacts for the Vista community.

We trust that this submission is complete, and, accordingly, we request that the enclosed plans and documents be incorporated into the record and that the Planning Commission's record be closed and that a recommendation of approval be prepared for transmittal to the Mayor and City Council.

Enclosed herewith please find the following:

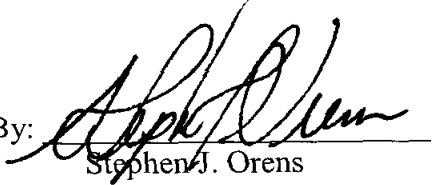
1. Letter of transmittal to the Mayor and City Council (One original and 20 copies)
2. Schematic Development Plan set (5 sheets) revised as requested (15 sets)
 - a. Cover sheet
 - b. Schematic development Plan
 - c. Conceptual Landscape Plan
 - d. Forest Conservation Plan
 - e. Right of way & Easement Exhibit
3. Rendered sketches of illustrative single family detached and townhouse units. (30 copies of six-sheet sets)
4. A black and white sketch of an illustrative condominium two-over two building (30 copies)
5. Noise Study Addendum prepared by Polysonics Corp. (15 copies)
6. Guidelines for Building Materials (15 copies)
7. PEPCO transmittal letter forwarding copies of the SDP for review of Public Utility easements.
8. Verizon transmittal letter forwarding copies of the SDP for review of Public Utility easements.
9. WSSC review comments dated November 22, 2006.

Page 3

Thank you again for your assistance in working through the process with us. Should anything additional be required it will be provided upon request.

Very truly yours,

MILES & STOCKBRIDGE, P.C.

By: 
Stephen J. Orens

cc: The Churchill Group

MILES & STOCKBRIDGE P.C.

Stephen J. Orens
301-517-4828
sorens@milesstockbridge.com

December 28, 2006

The Honorable Sidney A. Katz, Mayor
The Honorable Stanley J. Alster, Council Vice President
The Honorable John B. Schlichting
The Honorable Geri Edens
The Honorable Henry F. Marraffa, Jr.
The Honorable Michael A. Sesma
The Mayor and City Council
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: The Vista SDP 04-001

Dear Mayor Katz and Council Members:

On behalf of The Churchill Group, we are pleased to submit for your consideration the enclosed plans and documents for the 83 unit residential community known as The Vista at Quince Orchard Park. At the outset, we want to extend our appreciation to Greg Ossont, Caroline Seiden and Trudy Schwarz for their guidance and assistance in the preparation of this final Schematic Development Plan submission.

The governing principles for The Vista, as with all other phases of Quince Orchard Park (QOP"), are found in the Annexation Agreement between the City and the original QOP developer and the previously approved Sketch Plan. Those principles have been carefully followed by the design team of Macris Hendricks & Glascock and HOK Design Group working closely with Eric Tovar and Bill Wogatske of the Churchill Group.

Although not required by the regulations encompassed by the Annexation Agreement, the Churchill Group has prepared guidelines for building materials that will be followed as the final building design and architecture for The Vista community evolve from the illustrative plans that are included with this submission. Those guidelines have been submitted to City Staff along with the illustrative renderings.

As you know, Eric Tovar and Bill Wogatske have been working with the QOP community leadership and City staff to bring to finality the annexation of The Vista community into QOP as envisioned by the Memorandum of Understanding. The Churchill Group stands by its commitment to the successful completion of the annexation process, but has no control over the timing of the required balloting. The Churchill Group pledges to continue to work with




community leaders and City Staff toward the successful completion of the annexation process after approval of the pending SDP. As of this submission the annexation balloting has been ongoing since the Memorandum of Understanding was signed on October 27, 2006. There have been several community meetings and, we are informed proxy ballots distributed. While we recognize that the annexation process must be carried out in a thoughtful and deliberate manner, it is process over which we have no control and we urge the Mayor and council to act on the SDP even if that process has not been completed.

As we understand the process to be followed by the City, the Planning Commission will announce that it will close its record as of January 10, 2007. We anticipate that announcement to occur on January 3, 2007. The Planning Commission's recommendation will then be prepared and delivered to the Mayor and Council and following receipt of that recommendation, presumably in late January, the record before the Mayor and Council will close and the SDP will subsequently come before you for final action, hopefully in February.

We appreciate your consideration of this plan and look forward to continuing to work with you and the City staff as this project progresses.

Sincerely,

MILES & STOCKBRIDGE, P.C.

By: 
Stephen J. Orens

cc: Greg Ossont
Caroline Seiden
Eric Tovar
William J. Wogatske
James Ruff, MHG

GUIDELINES FOR THE VISTA AT QUINCE ORCHARD PARK

The Vista at Quince Orchard Park is an 83 unit residential community with detached single family dwellings, traditional town homes and three condominium buildings with two-over-two dwelling units. Illustrative renderings of the three unit types have been submitted as part of the final submission to the Mayor and Council. Architecture and design will be finalized following completion of the Schematic Development Plan process in accordance with the following guidelines.

Three distinct types of residential dwellings are planned for the Vistas. They are detached single family homes, town homes and two-over-two condominium units. The design concept for the detached single family homes envisions two alternative front facades. The front elevation of both versions will be constructed with natural materials such as brick, stone or a combination of brick and stone.

There are two versions of the traditional townhouse units distinguished by the location of the garage. Some units will have garages that are accessed from the front and others from the rear via an alley. The front facades of the townhouse units will be constructed with natural materials such as brick, stone or a combination of brick and stone and other acceptable materials.

There are three condominium buildings with "two-over-two" units. Each unit will have its own separate outside front entrance. The front facades of the condominium buildings will be constructed with natural materials such as brick, stone or a combination of brick and stone and other acceptable materials.

A variety of building materials and different elevations will be utilized throughout the Vistas. All highly visible side elevations of the single family detached homes will be brick, stone or other natural materials used in combination to create a visual distinction among the buildings. The side elevations of the homes on lots 33, 38, 39 and 45 will also be brick, stone, wood or other natural materials. Vinyl siding will not be used on any front elevation or highly visible side of any detached home.

The visible side elevation of each row of townhouse units will also be constructed natural materials such as brick, stone or a combination of brick and stone and other acceptable materials. Vinyl siding will be restricted to the rear elevations of townhouse units.

The front and side elevation of the condominium buildings will likewise be constructed with materials that compliment the overall design concept for the Vistas. The same material guidelines that govern the detached and townhouse units will be followed for the condominium two-over-two buildings.





PERICAD-Beyonne, N. J.
**JOINT
EXHIBIT**
#105
SDP-04-001

Vistas
Elevation 1



Vistas
Elevation 3



Perspective 1

The Vista



Perspective 2



The Vistas
Two Over Two Townhomes
Developed by The Churchill Group
Designed by Studio Z Design Concepts, LLC.
January 22, 2006

VISTA
Section 2. Immediately after damage or destruction by fire or other casualty to all or any part of the improvements on the Common Area, the Association shall proceed with the adjustment of all claims arising from such loss and shall apply such proceeds to repair and reconstruction of the damage, or may retain the proceeds for the benefit of the Association, as it sees fit.

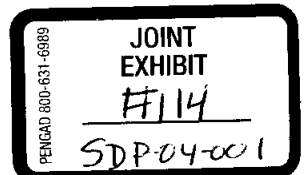
ARTICLE VIII
ANNEXATION OF ADDITIONAL PROPERTY

Section 1. Annexation Without Approval of Class "A" Membership. As the Owner thereof, or if not the Owner, with the consent of the Owner thereof, Declarant shall have the unilateral right and privilege (but under no circumstances, the obligation), from time to time until the year 2010, to subject to the provisions of this Declaration and the jurisdiction of the Association, all or any portion of the real property described in Exhibit "A" attached hereto and by reference made a part hereof, by filing in the Land Records of Montgomery County, Maryland, a Supplementary Declaration annexing such real property, provided that so long as a Lot or Residential Unit is encumbered by a Deed of Trust or mortgage which is guaranteed or insured by the Veterans' Administration ("VA") or the Federal Housing Administration ("FHA"), the VA or FHA, as applicable, shall approve any annexations not in accord with a Development Plan (and amendments thereto), submitted to and approved by VA or FHA. Such Supplementary Declaration shall not require the vote of Members and shall be effective upon the filing for record of the Supplementary Declaration unless otherwise provided therein. Declarant shall have the unilateral right to transfer to any other person the right, privilege, and option to annex additional property which is herein reserved to Declarant, provided that such transferee or assignee shall be the developer of at least a portion of said real property described in said Exhibit "A" attached hereto and that such transfer is memorialized in a written, recorded instrument.

Section 2. Annexation With Approval of Class "A" Membership. Subject to the consent of the Owner thereof, upon the written consent or affirmative vote of (i) a majority of the Class "A" Members (present or represented by proxy at a meeting duly called for such purpose), and (ii) the Declarant (so long as Declarant owns property, Lots, or Units subject to this Declaration or which may become subject in accordance with Section 1 of this Article), the Association may annex to the provisions of this Declaration real property other than that shown on Exhibit "A". Following the expiration of the right reserved unto the Declarant in Section 1, any real property described in Exhibit "A" which has not theretofore been annexed to the provisions of this Declaration may be so annexed upon the written consent of the owner of such real property and the written consent or affirmative vote of a majority of the Class "A" Members by filing in the Land Records of Montgomery County, Maryland, a Supplementary Declaration in respect to the real property being annexed. Any such Supplementary Declaration shall be signed by the President and the Secretary of the Association and the Owner of the real property being annexed, and any such annexation shall be effective upon filing unless otherwise provided herein. The time within which and the manner in which notice of any such meeting of the Class "A" Members of the Association, called for the purpose of determining whether additional property shall be annexed, and the quorum required for the transaction of business at any such meeting, shall be as specified in the By-Laws of the Association for regular or special meetings, as the case may be.

Section 3. Acquisition of Additional Common Area. Declarant may convey additional real property, improved or unimproved, located within the real property described in Exhibit "A", which upon conveyance or dedication

LAW OFFICES
MILLER, MILLER & CANBY
CHARTERED
300 B MONROE STREET
ROCKVILLE, MARYLAND
301 762 5200
129 13 WEST PATRICK ST
FREDERICK, MARYLAND
301 694 1111



in the Association shall be accepted by the Association and thereafter shall be deemed to be a part of the Common Area and shall be maintained by the Association as a Common Expense.

Section 4. Amendment. This Article shall not be amended without the written consent of Declarant, so long as the Declarant owns any property described in Exhibit "A".

ARTICLE IX ARCHITECTURAL CONTROL

Section 1. General Authority. The Board of Directors shall have the authority and standing, on behalf of the Association, to enforce in courts of competent jurisdiction, decisions made pursuant to the provisions of this Article, whether made by the Board of Directors or its designee, the Architectural Control Committee. This Article may not be amended without the Declarant's written consent, so long as the Declarant owns any of the property described in Exhibit "A".

Section 2. Architectural Control Committee. The Architectural Control Committee shall be a covenant committee composed of an uneven number of three (3) or more representatives appointed by the Board of Directors, to review plans for construction and alteration as provided for herein. The Board of Directors may act as Architectural Control Committee if no committee is appointed.

Section 3. Construction or Alteration.

(a) No building, fence, wall or other structure shall be constructed, erected, or maintained upon the Property, nor shall any exterior addition to or change or alteration therein be made (including change in color) until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography and conformity with the design concept for the Property as approved by the Board of Directors of the Association, or by the Architectural Control Committee.

(1) Initial construction is exempt from control by the Architectural Control Committee and is regulated by the guidelines and standards of the Participating Builders Program. Architectural control as described in this Article becomes applicable upon the date when a Lot or a Residential Unit or Nonresidential Unit is conveyed to a purchaser other than a Participating Builder.

(b) Design approval by the Architectural Control Committee or by the Board shall in no way be construed as to pass judgment on the correctness of the location, structural, utilities, or other qualities of the item being reviewed, nor will it eliminate the need for owner to obtain all necessary permits and licenses to perform such construction or alteration. The Owner is still required to obtain all permits, including but not limited to building permits, and licenses from Gaithersburg City or other appropriate governmental agencies.

(c) The Architectural Control Committee shall approve or disapprove the proposed use of the Lot and/or the plans, within forty-five (45) days from receipt thereof. The aforesaid forty-five (45) day period for the Architectural Control Committee's review of the proposed use and plans shall not commence to run until a complete application has been submitted to the Architectural Control Committee including, as appropriate,

LAW OFFICES
MILLER, MILLER & CANBY
CHARTERED
2008 MONROE STREET
ROCKVILLE MARYLAND
301 762 5212
129-13 WEST PATRICK ST
FREDERICK MARYLAND
301 696-1360

DEVELOPMENT DATA

Allowable Units -

Proposed Residential Units:	= 13 Units
Single Family Detached-	= 38 Units
Townhomes -	= <u>32 Units</u>
Condos (2 over 2)	= 83 Units
Total -	

Building Coverage: 18.1% or 88,860 sf (based on Net Site Area)

SITE NOTES

- SITE NOTES**
1. Boundary information from field survey prepared by Macrae, Hendricks and Glasgow, P.A.
 2. Topographic Information prepared by Macrae, Hendricks and Glasgow, P.A. by aerial photographic method.
 3. Water and sewer category W-1 and S-1 respectively.
 4. Subject property does not contain 100-year flood plain area.

Unit Type	Number of Units	Required Parking	Provided Parking on lot	Provided Parking off lot
SF Detached	13	26	Garage = 26 Driveway subtotal = 26	33
Town House	36	66	Garage = 36 Driveway subtotal = 116	45
Condo (2 over 2)	32	64	Garage = 32 Driveway subtotal = 64	
Total:	81	156	Total Parking Provided = 205	78

Note: SF require 2 parking spaces per unit
TH requires 2.5 parking spaces per unit
TH garage, 2 car is credited as 1.0 spaces

Note: SF require 2 parking spaces per unit
TH require 2.9 parking spaces per unit
1 car is credited as 1.0 space

CITY OF GAITHERSBURG MAYOR & COUNCIL
 34 NORTH BLOOMING AVENUE, GAITHERSBURG, MARYLAND 20878

**SCHEMATIC DEVELOPMENT
 PLAN APPROVAL**

AT THE PROBABLY NEAREST MEETING OF THE MAYOR AND
 CITY COUNCILS IS ON SEP 24 1981 AND GRANTED

APPLICATION NO. _____

SCHEMATIC DEVELOPMENT PLAN APPROVAL

BY RESOLUTION _____ WITH _____ CORRECTIONS

DATE _____ BY _____

NOTE: ANY REVISIONS TO WORKED PLANS MUST BE
 REAPPROVED BY THE MAYOR & CITY COUNCIL

SCHEMATIC DEVELOPMENT PLAN
The Vista
QUINCE ORCHARD PARK
Part of Parcel A. Plat No. 14307
Montgomery County

City of Colthartburg-9th Election District

MHG

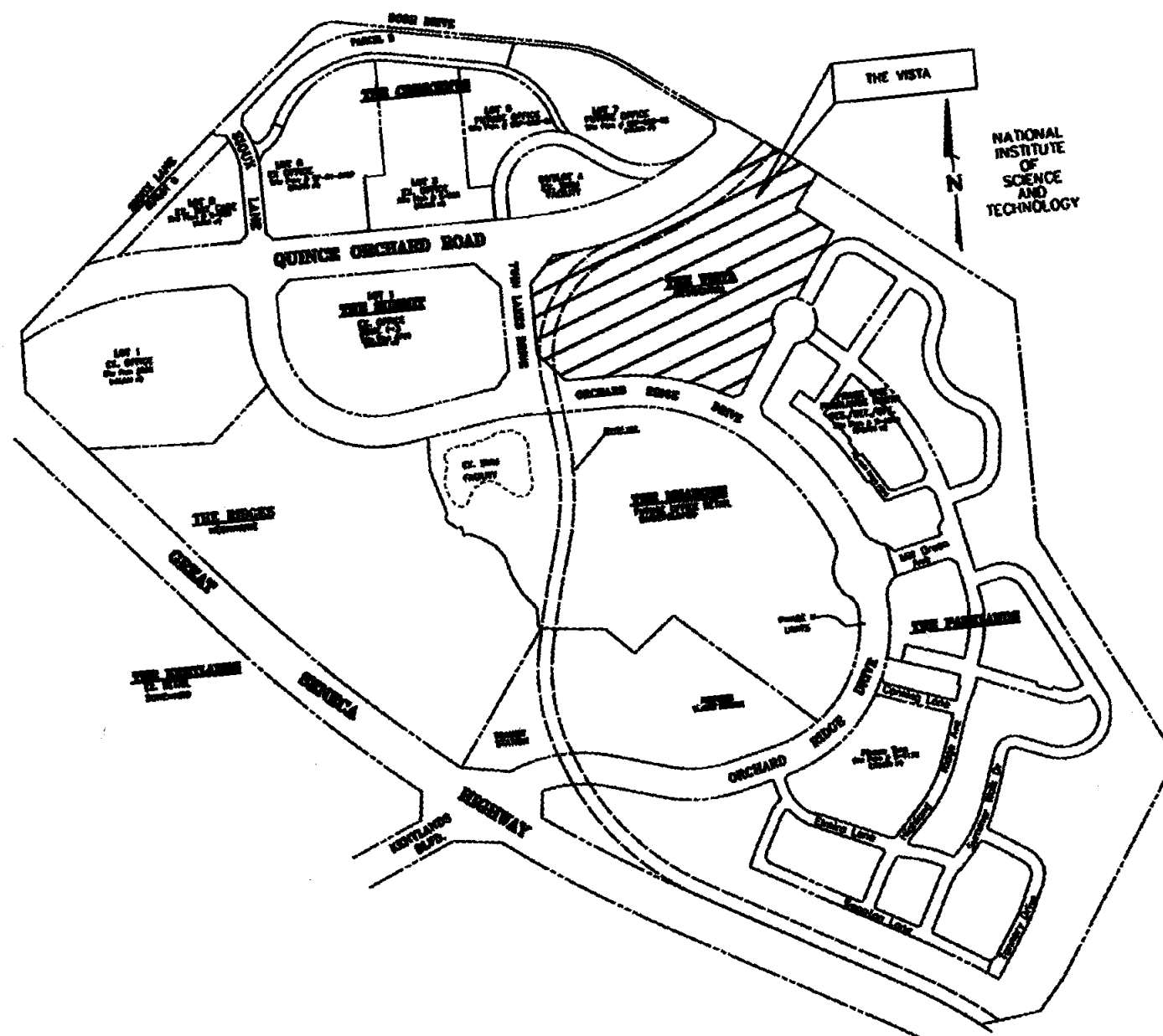
Macris, Hendricks & Glasgow
Engineers • Planners
Landscape Architects • Surveyors
Phone 301.5
Fax 301.5

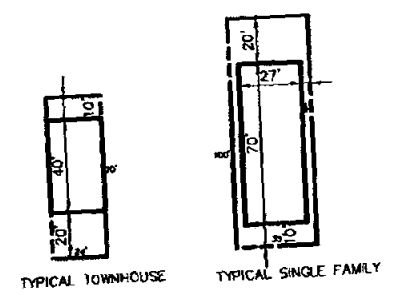
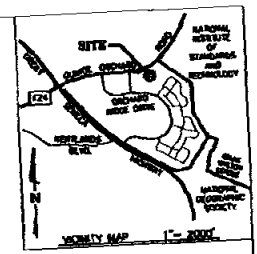
Proj. No. 100	Designer JTB
Date 12/14/2006	Scale 1"=20'
Project No. 100-100-100	Sheet 1 of 5

**JOINT
EXHIBIT**

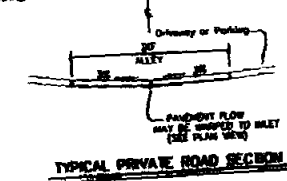
#115

SDP-04-00

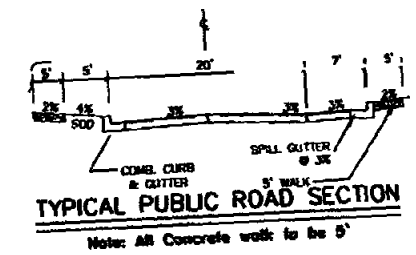




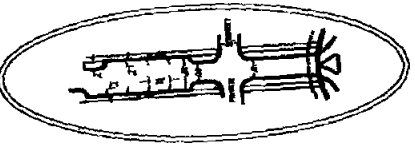
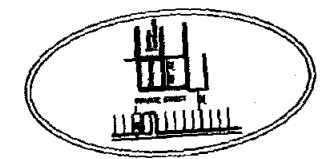
Typical Unit and Lot Size
NTS



TYPICAL PRIVATE ROAD SECTION



TYPICAL PUBLIC ROAD SECTION



Typical Parking and Street Details
NTS

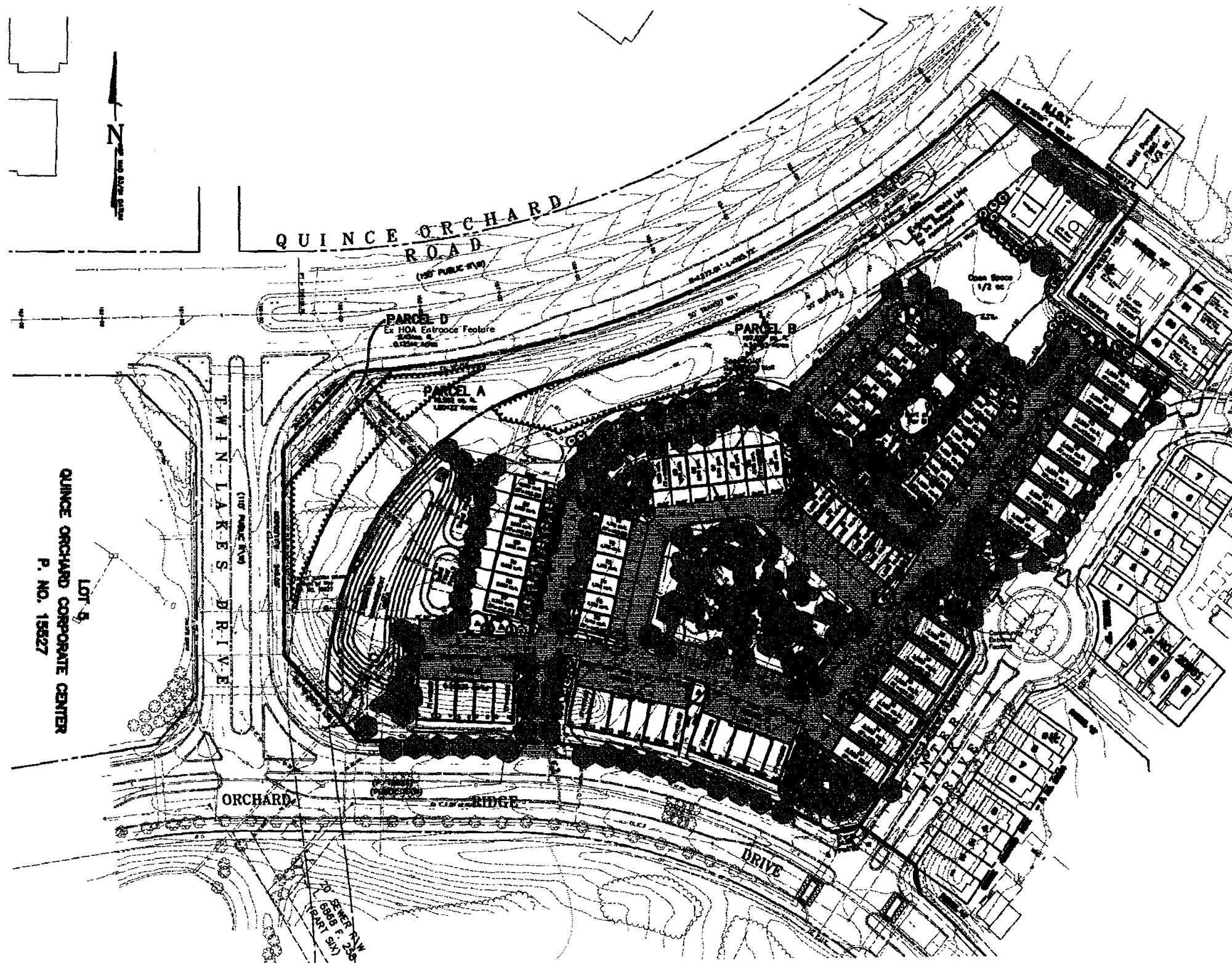
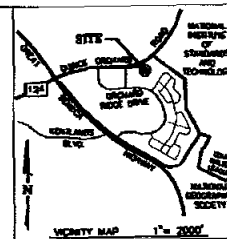
SDP-2

SCHEMATIC DEVELOPMENT PLAN
The Visto
QUINCE ORCHARD PARK
Part of Parcel A - Plat No. 14307

CITY OF GAITHERSBURG MAYOR & COUNCIL
31 SOUTH HARBOR PIKE, GAITHERSBURG, MARYLAND 20878
SCHEMATIC DEVELOPMENT PLAN APPROVAL
ALL THE NEIGHBORLY SIGNED AND WITNESSED BY THE MAYOR AND CITY COUNCIL HELD ON: SDP-04-001
APPLICATION NO. SDP-04-001 AND GRANTED
SCHEMATIC DEVELOPMENT PLAN APPROVAL
BY RESOLUTION NO. 2007-001 AND
DATE: 07/17/07
NOTE: ANY CHANGES TO THESE PLANS MUST BE APPROVED BY THE MAYOR & CITY COUNCIL.

GRAPHIC SCALE

EXISTING	PROPOSED



LEGEND

- Proposed 3-4' Cal. Shr.
- Proposed 2-3' Cal. Ornamental Tree
- Proposed 6-8' Evergreen Tree
- Proposed Shrub Planting

CITY OF GAITHERSBURG MAYOR & COUNCIL
AT 3001 SHARPE AVENUE, GAITHERSBURG, MARYLAND 20877

**SCHEMATIC DEVELOPMENT
PLAN APPROVAL**

AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND
CITY COUNCIL HELD ON
JULY 14, 2004

SCHEMATIC DEVELOPMENT PLAN APPROVAL
BY RESOLUTION NO. 14307

DATE: 7/14/04

NOTE: ANY REVISIONS TO THESE PLANS MUST BE
APPROVED BY THE MAYOR & CITY COUNCIL.

SDP-3

CONCEPTUAL LANDSCAPE PLAN
The Vista
QUINCE ORCHARD PARK
Part of Parcel A - Plot No. 14307
City of Gaithersburg—9th Election District—Montgomery County—MARYLAND

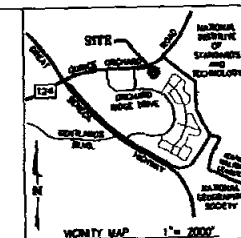
MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors
3270 Wegmont Road, Suite 100
Montgomery Village, Maryland
20890-1270
Phone: 301.570.0240
Fax: 301.586.0025
www.mhgpa.com

Proj. Mgr.	Designer
JAM	AGS
Date: 12/23/2004	Scale: 1"=50'
Project No. SDP-152.33	Sheet: 3 of 5



NO.	DATE	DESCRIPTION	BY

JOINT
EXHIBIT
#117
SDP-04-001



LEGEND

- Tree symbol: TREE TO REMAIN
- Tree symbol with 'X': TREE TO BE REMOVED
- Circle symbol: CRITICAL ROOT ZONE
- Line symbol: LIMIT OF DISTURBANCE
- Stippled pattern: FOREST SAVED
- Patterned box: AFFORESTATION/REFORESTATION
- Patterned box: FCP LANDSCAPE PLANTING AREAS
- Circle with 'X': TREE FOR FCP CREDIT
- Patterned box: PROPOSED BRUSHY AREA

FOREST CONSERVATION PROGRESS REPORT

USE VIDEOS

NET TRACT AREA:	9.4800
A. Total tract area	13.06
B. Land dedication	0.00
C. Land dedication for roads or utilities not being constructed by the city	1.35
D. Area to be removed for roads and utilities not being constructed by the city	0.00
E. Other disbursements (other)	0.00
F. Net Tract Area	11.69

LAND USE CATEGORIES (Sum of the following)

Read the numbers "1" under the appropriate first unit, and to only one entry.

AREA	AREA	AREA	AREA	AREA	AREA	AREA
O	D	O	D	O	D	O
0	0	0	0	0	0	0

EXISTING FOREST COVER:

J. Existing Forest Cover	4.47
K. Area of forest above conservation threshold	2.72
L. Area of forest above conservation threshold	2.13

BREAK EVEN POINT:

M. Forest retention above threshold with no mitigation	2.76
N. Clearing permitted without mitigation	1.71

PROPOSED FOREST CLEARING:

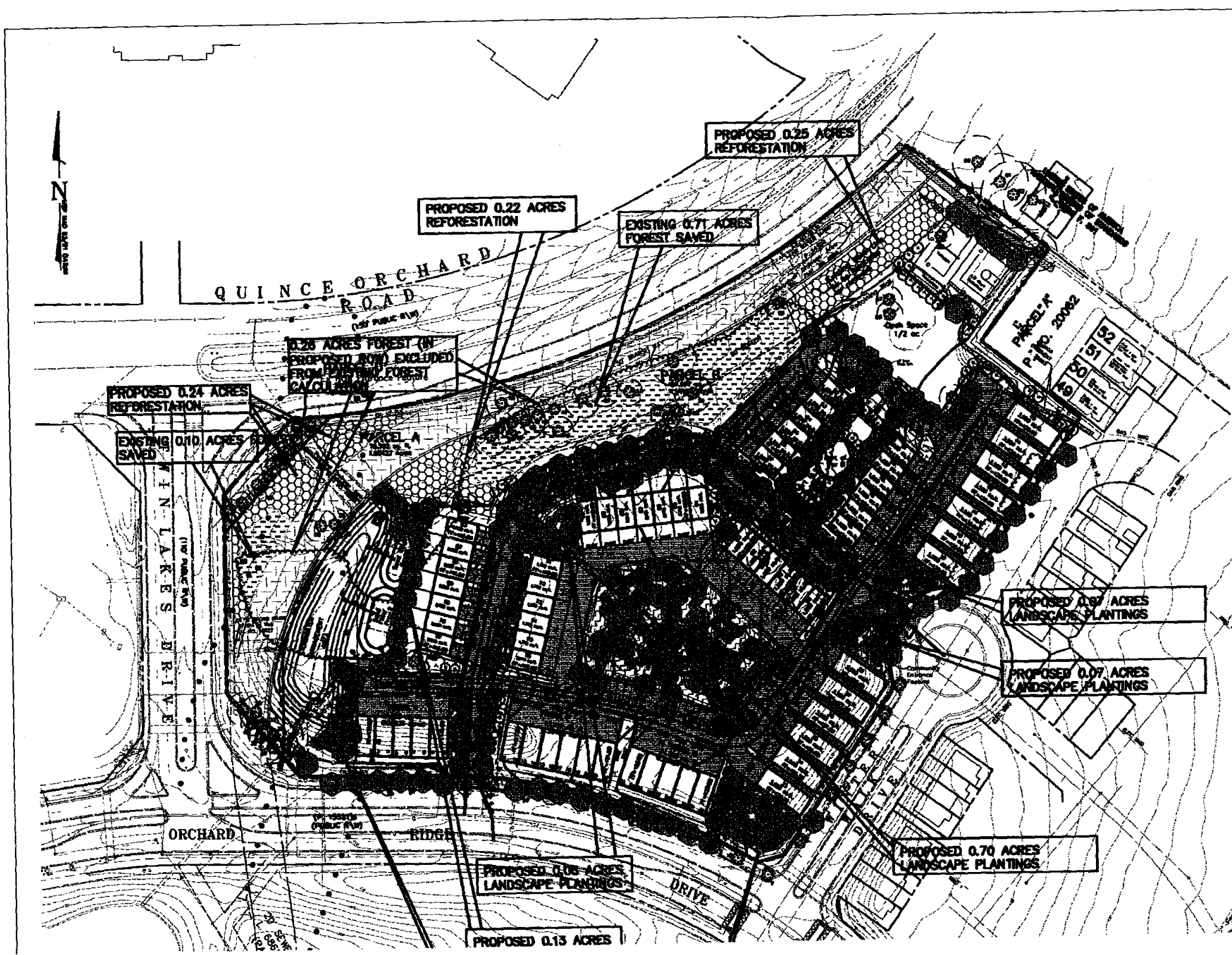
O. Total area of forest to be cleared	3.06
P. Total area of forest to be cleared	0.81

PLANTING REQUIREMENTS:

Q. Reafforestation for clearing above conservation threshold	0.53
R. Reafforestation for clearing below conservation threshold	3.06
S. Credit for retention above conservation threshold	0.00
T. Total reforestation required	3.59
U. Credit for landscaping (may not exceed 40% of "T")	0.90
V. Total reforestation and restoration required	2.69

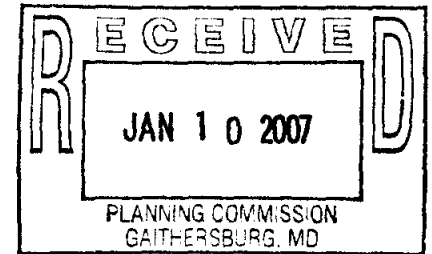
- 3.59 ACRES REFORESTATION REQUIRED**
- 0.71 acres supplied through proposed planting
 - 0.89 acres supplied through street tree plantings (100 3" cal. trees/acre = 0.89 = 90 shade trees)
 - 1.27 acres supplied through landscape planting areas (Approx. 127 3" cal. trees/acre w/ 1 shrub)
 - 0.33 acres supplied through tree or supplemental forest plantings may be on or off-site as deemed appropriate by city staff. (Approx. 33 3" cal. trees/acre)
 - 3.21 acres total

CITY OF GAITHERSBURG
31 SOUTH BURNETT AVENUE
GAITHERSBURG, MARYLAND 20878
FCP APPROVAL
THE CITY OF GAITHERSBURG DEVELOPMENT
HONORABLE TEAM FOREST PLANTS APPROVED



MILES & STOCKBRIDGE P.C.

Stephen J. Orens
301-517-4828
sorens@milesstockbridge.com



January 9, 2007

VIA HAND DELIVERY

Mr. Greg Ossont, Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098

Ms. Caroline H. Seiden, Planner
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098

Re: The Vista SDP 04-001 – Additional Final Submission Documents

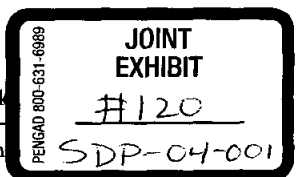
Dear Mr. Ossont and Ms Seiden:

Enclosed please find the following:

1. E-mail correspondence from Polysonics Corp. confirming the continuing applicability of the conclusions of their August 18, 2005 Transportation Noise Impact Feasibility Results Report. (15 copies)
2. Estimated combined year 2025 Traffic and Light Rail Transit Upper Level Noise Contours. (30 copies)
3. PEPCO e-mail correspondence containing comments for installation of electric utilities. (15 copies)
4. Road Code Waiver Application. (15 copies)

We are advised by our acoustical engineer, Robert M. Brenneman, that the contour lines reflect the upper level location as the "worst case" scenario. We are advised by Jim Ruff, of Macris Hendricks and Glascock, that the Revised Plan complies with all of the comments provided to us by PEPCO.

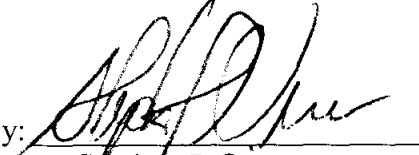
It is our understanding that the record before the Planning Commission will close on January 10, 2007 and that the Planning Commission recommendation will be transmitted to the Mayor and Council in anticipation of a decision by the Mayor and City Council in February. Please let me know if anything further is needed or if there are any questions about any aspect of our final submission.



Page 2

Thank you for your assistance with this important project. We look forward to attending the final discussions before the Mayor and council in February.

Sincerely
MILES & STOCKBRIDGE, P.C.

By: 
Stephen J. Orens

Enclosures

cc: Churchill Group
Macris Hendricks & Glascock,

Orens, Stephen J.

From: Robert Brenneman [robert@POLYSONICS-CORP.COM]
Sent: Wednesday, January 03, 2007 1:56 PM
To: Bill Wogatske; Orens, Stephen J.
Subject: The Vistas
Attachments: Updated Site Plan.pdf

Good Afternoon,

Attached, please find a estimated combined Year 2025 Quince Orchard Rd. and Light Rail Transit Upper Level Noise Contour drawing for The Vistas site. The noise contours are unmitigated and reflect estimated noise levels from the combined roadway and transitway at a height of 40 feet above grade. Noise levels under these conditions represent the highest noise levels on the site; noise levels closer to the ground will be lower. Given the locations of the noise contours, the results and conclusions found in Polysonics' August 18, 2005 Transportation Noise Impact Feasibility letter remain valid.

Please feel to contact me with any questions or concerns.

Thank you,
Rob

Robert Brenneman
Senior Consultant

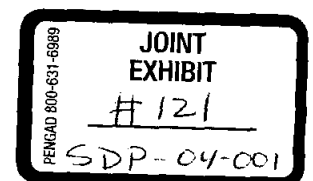
POLYSONICS CORP.

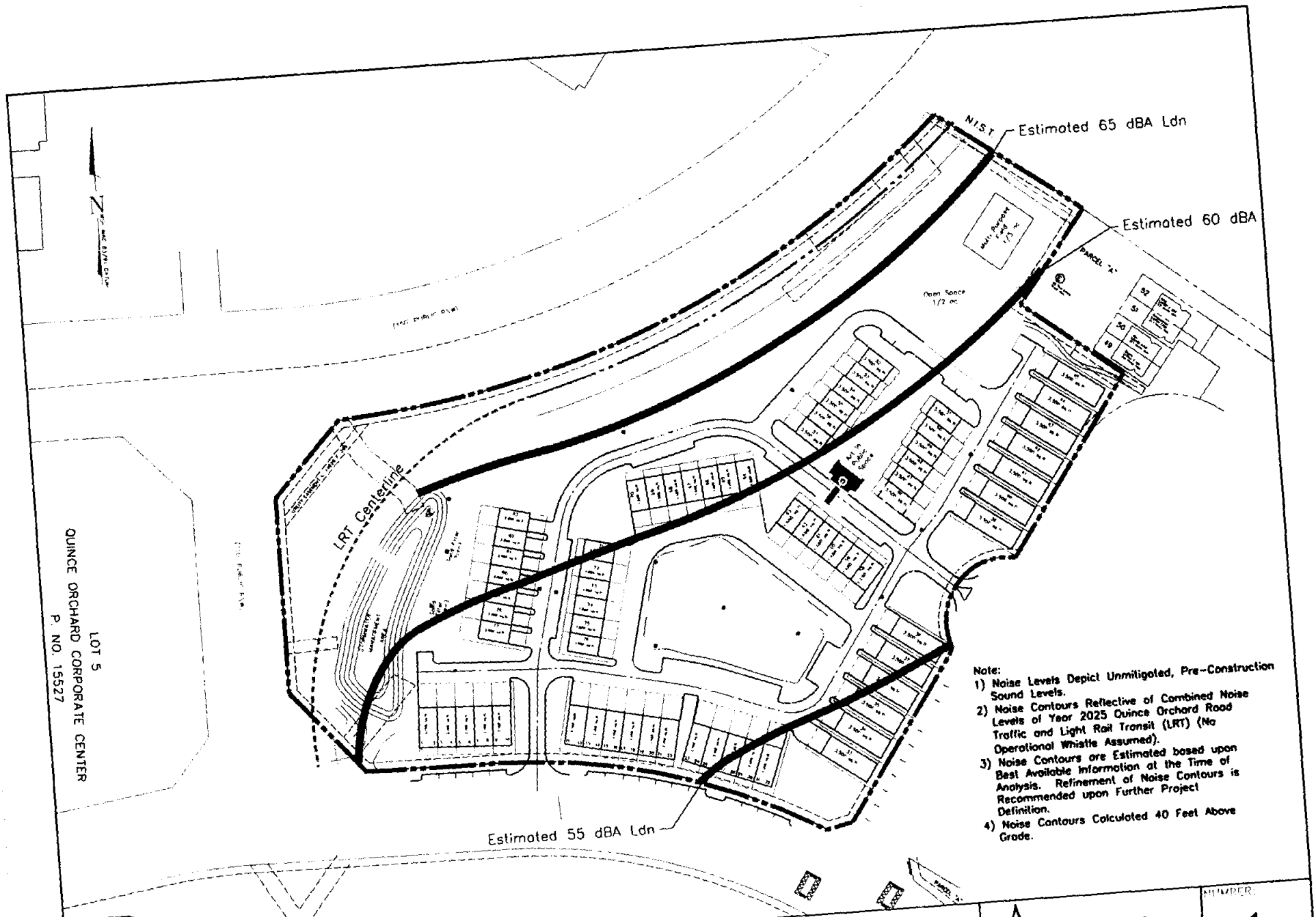
Washington, DC Remington, VA
Phone: 202-244-7171 Phone: 540-439-4988
Fax: 202-244-7479 Fax: 540-439-9179

www.polysonics-corp.com

CONFIDENTIALITY NOTICE: This email, including any attachments may be confidential or privileged. The information enclosed in this email is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email, is strictly prohibited. If you have received this email in error, please notify the sender immediately by replying to the sender only and destroying all electronic and hard copies of this communication, including all attachments.

1/9/2007





PENGAD 800-631-6989

SDP-04-00
#122
JOINT EXHIBIT

NTS
RMB
1/03/07

PROJECT TITLE

THE VISTAS Estimated Combined Year 2025 MD 124 Traffic and Light Rail Transit Upper Level Noise Contours

POLYSONICS CORP.
ACOUSTICS AND TECHNOLOGY CONSULTING
217 EAST MAIN STREET
HERMISTON, VA 22734
540-436-8880
5115 MACARTHUR BLVD., NW
WASHINGTON, D.C. 20016
202-244-7171

NUMBER

1

Orens, Stephen J.

From: jdraby@pepco.com
Sent: Thursday, January 04, 2007 2:31 PM
To: Orens, Stephen J.
Subject: Fw: Quince Orchard Park (The Vista subdivision)
Importance: High

Stephen,

FYI! Please see comments below.

Regards,

Doug

James D Raby
Right Of Way Representative R/W-NAC
Distribution Engineering-MD Division
201 West Gude Drive
Rockville, Maryland 20850

jdraby@pepco.com
301-548-4309 office
202-497-4900 cell
301-670-8718 fax

----- Forwarded by James D Raby/EP/PEP on 01/04/2007 06:21 AM -----

Roberta D Dickey/PWMILL/PEP

To James D Raby/EP/PEP@PEP

cc

01/03/2007 03:48 PM

Subject Fw: Quince Orchard Park (The Vista subdivision)

Roberta D. Dickey
201 West Gude Drive
Rockville, MD 20850
email rddickey@pepco.com

301-548-4305 (OFC)
240-375-4154 (CELL)

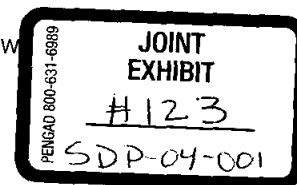
----- Forwarded by Roberta D Dickey/PWMILL/PEP on 01/03/2007 03:47 PM -----

Gaetano Scafidi/PWMILL/PEP

To Kenneth T Farrell/FSC/PEP@PEP

cc Dinesh K Sharma/PWMILL/PEP@PEP, Roberta D Dickey/PW

1/9/2007



01/03/2007 12:25 PM

Subject Quince Orchard Park (The Vista subdivision)

Ken,

Dinesh & I have review the proposed Quince Orchard Park subdivision (The Vista) . Listed below are our comments:

- All building structures must be outside the 10' P.U.E's.
- Lots 1 - 32 – point of service must be on the Orchard Ridge side.
- Lots 33 - 45 – point of service must be on the Winter Walk side.
- Lots 46 - 57 – point of service must be on Parcel B.
- Lots 58 - 76 – point of service must be on the Autumn View side.
- Lots 77 – 83 - point of service must be on the Autumn View side.
- Lots 1 – 32 - Customer to furnish & install twin meter sockets.
- Autumn View Drive and Autumn Ridge drive are assume to be private streets and customer will supply its own private lighting.

Thanks,

Guido

This Email message and any attachment may contain information that is proprietary, legally privileged, confidential and/or subject to copyright belonging to Pepco Holdings, Inc. or its affiliates ("PHI"). This Email is intended solely for the use of the person(s) to which it is addressed. If you are not an intended recipient, or the employee or agent responsible for delivery of this Email to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this Email is strictly prohibited. If you have received this message in error, please immediately notify the sender and permanently delete this Email and any copies. PHI policies expressly prohibit employees from making defamatory or offensive statements and infringing any copyright or any other legal right by Email communication. PHI will not accept any liability in respect of such communications.

1/9/2007

ROAD CODE WAIVER APPLICATION

In accordance with Chapter 19, Article II of the City Code

Application No.	<u>RC-36</u>
Fee	<u>\$2000</u> <u>PL</u>
Date Filed	<u>1/10/07</u>
P&CA Review Date	_____
DPW&E Review Date	_____
PC Review Date	_____
PC Action	_____
M&CC Review Date	_____
M&CC Decision	_____
Decision Date	_____

SUBJECT PROPERTY

Subdivision Part of Parcel A, Plat No. 14307 Road Autumn View Drive
 Applicable Site Plan SDP 04-001 Date of Approval by Planning Commission _____
 Applicable Preliminary Subdivision Plan _____ Date of Approval _____

APPLICANT

Name The Churchill Group Daytime Phone (240) 243-1000
 Street Address 5 Choke Cherry Road Unit Number 360
 City Rockville State MD Zip Code 20850

WAIVER REQUEST

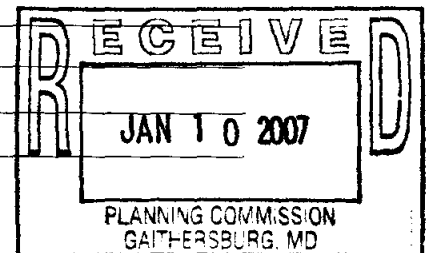
Subdivision and/or Road Autumn View Drive
 Classification Residential Secondary
 Required paving and ROW widths ROW Width - 50' Code, 40' Requested; Pavement Width 32' Code, 20' Requested
 Other required specifications _____
 Section (code or street itself) to be waived Section 19-14(a)
 Describe waiver request Reduced right of way width

Describe reason for requested waiver See Attached

Development to be served by road in question The Vista at Quince Orchard Park

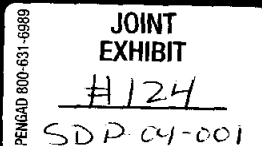
SUBMISSION REQUIREMENTS

1. Storm Drain and Paving Plans
2. Waiver justification prepared for applicant by a registered engineer
3. Fee (see fee schedule)



I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Signature [Signature] President Date 1/9/07



ATTACHMENT 1 TO
ROAD CODE WAIVER APPLICATION

Reasons For Requested Waiver:

The proposed Autumn View Drive “loop road” provides connectivity between Orchard Ridge Drive and Winter Walk Drive and accomplishes the objectives of a public road while maintaining its unique character, consistent with the design concepts that the MXD Zone is intended to achieve. The reduced width roadway provides continuity with the internal private road network with which it connects as part of the internal circulation system for the Vista community. The reduced width right of way is adequate to provide for parking, drainage, and utilities in a manner that is welcoming to both pedestrians and bicyclists.

MEMORANDUM TO: Planning Commission

VIA: Greg Ossont, Director
Planning and Code Administration

FROM: Caroline Seiden, Planner
Planning and Code Administration

DATE: January 9, 2007

SUBJECT: SDP-04-001, The Vistas, Recommendation to Mayor and City Council

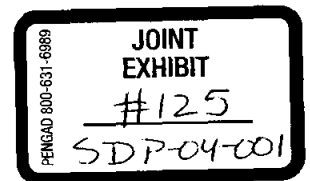
At the request of Chairman Bauer and in preparation for a recommendation to the Mayor and City Council regarding SDP-04-001, The Vistas, I have prepared a synopsis of events and issues related to the above-referenced schematic development plan, as follows:

On August 13, 2004, the applicant, Churchill Development Corp., submitted an application for approval of a Schematic Development Plan (SDP), known as Quince Orchard Park – The Vistas. The subject property is bounded by Winter Walk Drive, Orchard Ridge Drive, Twin Lakes Drive and Quince Orchard Road in the Quince Orchard Park development. The property is within the Mixed Use Development (MXD) Zone and is included in the properties annexed into the City under the original annexation of Quince Orchard Park.

The joint public hearing was held on this application on December 6, 2004, and the record has been held open indefinitely. Key issues discussed at the hearing were the overall density, accessibility from Orchard Ridge Drive, the limited amenities and open space, connectivity within the site and parking. A joint worksession was held on April 11, 2005 and additional comments regarding overall density, neighborhood design, the quality of green/open space and on-site forest conservation requirements were discussed.

Staff continued to work with the applicant after the first worksession and a second worksession was then held on September 25, 2006. The applicant made significant changes to the proposed plan. The revised plan includes 13 single family detached, 38 townhouses and 32 two over two condominiums on approximately 13.05 acres of land. Changes are highlighted below:

1. Unit count reduced from 125 (9.6 du/acre) at public hearing to 95 (7.3 du/acre) at the first worksession to 83 (6.4 du/acre).
2. Forest conservation requirements can be met on site.
3. Open space has been consolidated and a multi-purpose field has been added
4. Internal vehicular and pedestrian connectivity has been improved.



5. Incorporation of Vistas into Quince Orchard Park HOA under discussion. Applicant would be responsible for expansion of the clubhouse to accommodate the additional residents.

Discussion at the second worksession centered on the Mayor and Council's desire to incorporate the Vistas into Quince Orchard Park prior to approval of the schematic development plan. The Planning Commission also voiced an interest in reviewing design guidelines for the application.

Since the second worksession, the Quince Orchard Park Community Association Board of Directors and Churchill Development Corporation have entered into a Memorandum of Understanding which details certain conditions of the Vistas incorporation into the HOA, should the homeowners approve the annexation. However, despite an ongoing effort, the QOP Board of Directors has yet to collect the required number of homeowner proxies necessary to make a determination regarding annexation. For the purposes of the Commission's review of this SDP application, the MOU between the community and the developer adequately describes the proposal and meets the application requirements.

In addition, the City Attorney has determined that under the original 1991 Quince Orchard Park Annexation agreement in which the Vistas was annexed into the City, the applicant is not required to comply with the City's affordable housing requirements, adequate public facilities ordinance or the requirement to complete design guidelines or design code.

Staff is recommending that an announcement regarding the closing of the Planning Commission's record on SDP-04-001 be made at the January 17, 2007 meeting and that the record be closed as of 5:00 pm on January 26th, with a Planning Commission recommendation anticipated for February 7, 2007.

Caroline Seiden - The Vistas

From: Carole Valis <valiscb@yahoo.com>
To: <cseiden@gaithersburgmd.gov>
Date: 01/25/2007 5:07 PM
Subject: The Vistas
CC: Kenny Valis <valiskk@yahoo.com>

Hello Caroline,

My name is Carole Valis. My husband and I live in Quince Orchard Park. As I am sure you are aware of the QOP/The Vistas senerio, we want to let you know that my husband and I signed the proxy in favor of annexing The Vistas into QOP should The Vistas go forth. However, I would like to make it clear to you that we are not in favor of The Vistas being built--we would rather see a commercial office building built on the site.

Please let me know if you have any questions.

Thank you.

Any questions? Get answers on any topic at Yahoo! Answers. Try it now.

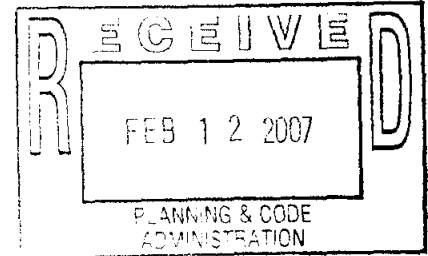


MILES & STOCKBRIDGE P.C.

Stephen J. Orens
301-517-4828
sorens@milesstockbridge.com

February 9, 2007

Mr. Greg Ossont, Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098



Re: The Vista, SDP 04-001

Dear Mr. Ossont:

We are in receipt of the email sent February 1, 2007 from Ms. Ruchita Patel of the Quince Orchard Park Community Association regarding their efforts to annex The Vistas project into the Quince Orchard Park Community Association ("QOPCA"). We understand that only 60% of the community voted and therefore, QOPCA is unable to pass the annexation.

While we appreciate QOPCA's efforts to complete the annexation, and we feel it is unfortunate that The Vistas development will not add to the existing QOPCA, we are unable to accept further delays in scheduling of the Schematic Development Plan before the Planning Commission.

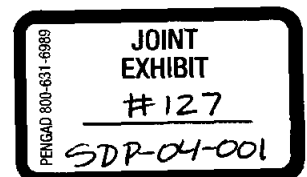
We will be submitting, in the coming week, a revised budget and supplemental information regarding the Homeowners' Association that will govern The Vistas. Upon receipt of that information, you will have a completed application that is ready to be heard before the Planning Commission. We ask that we not be required to suffer further delays, and that SDP 04-001 be scheduled post-haste for a hearing date.

Very truly yours,

By: Stephen J. Orens
Stephen J. Orens *By Ron*

cc: The Churchill Group
Ms. Caroline H. Seiden, Planner
Rebecca D. Willens, Esquire

Client Documents 4839-1653-8625v1|18882-000000|2/9/2007



11 N. Washington Street, Suite 700, Rockville, MD 20850 • 301.762.1600 • Fax: 301.762.0363 • www.milesstockbridge.com

Baltimore, MD • Cambridge, MD • Columbia, MD • Easton, MD • Frederick, MD • McLean, VA • Towson, MD

Caroline Seiden - Quince Orchard Park Community Association

From: rpatel@trngainc.com
To: <Gossont@gaithersburgmd.gov>, <bwogatske@churchillbuilders.com>
Date: 02/05/2007 7:28 AM
Subject: Quince Orchard Park Community Association

Sorry this is late, our e-mail has been down for a few days.-Edy

E-mail sent for Ruchita Patel

To: Greg Ossont, Gossont@gaithersburgmd.gov
Bill Wogatske – bwogatske@churchillbuilders.com

Date: February 1, 2007

Re: Quince Orchard Park Community Association

Dear Greg and Bill:

A special meeting of the membership for Quince Orchard Park Community Association was held on Jan 30, 2007. The purpose of this meeting was to vote whether or not to annex The Vistas into Quince Orchard Park.

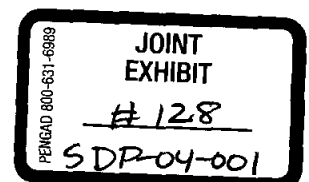
Approximately 60% of the community voted on this matter. While the majority of the votes cast were in favor of annexation, we do not have enough votes to pass the motion for annexation. The community Bylaws state that the majority of the members must approve this action, and a majority of the votes were not cast in favor of annexation.

The results of the voting do not indicate Quince Orchard Park's support or non support of the construction of The Vistas. Instead, it appears to be an indication that this issue needs to be discussed further by the community.

Please also note that, via the community website, the Board was made aware of a number of homeowners who purposely did not cast a vote because they thought that doing so would indicate their support of the construction of this development. Homeowners were also concerned about the financial risks that could be consumed by annexing this property.

I will be out of town until February 13, 2007. Should a question arise, please feel free to contact Troy Kennedy directly.

RP/ep
QO: II.1.6, II.e

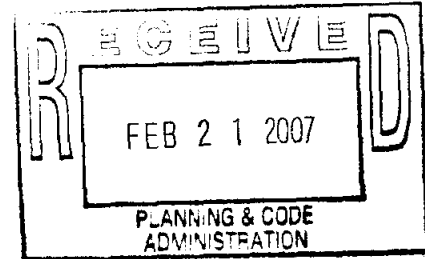


MILES & STOCKBRIDGE P.C.

Stephen J. Orens
301-517-4828
sorens@milesstockbridge.com

February 19, 2007

Mr. Greg Ossont, Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098



Re: SDP 04-001 - The Vistas – Response to Staff Inquiry

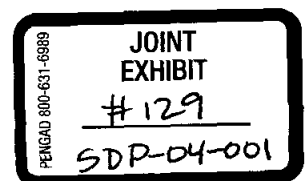
Dear Greg:

I have discussed your request that The Churchill Group donate the sum of \$250,000.00 to the City of Gaithersburg to be held in escrow to finance CIP projects for offsite recreational facilities in proximity to The Vistas Community. As you pointed out in our conversation, the Vistas is planned to include the following recreational amenities: a multi functional active recreation facility, a one-half acre open space area, a tot lot, a passive recreation area, and a network of internal pedestrian pathways. The recreational facilities that are proposed for the future Vistas' residents are appropriate for an eighty-three unit development, and exceed what would be required under Montgomery County's Recreational Guidelines.

While The Churchill Group and its President, Eric Tovar, share your disappointment in the outcome of the prolonged Quince Orchard Park annexation process, Mr. Tovar and Mr. Wogatske will not agree to the requested financial donation. The Memorandum of Understanding with Quince Orchard Park provided for a financial investment by The Churchill Group in the enhancement of existing recreational facilities within the Quince Orchard Park Community, in close proximity to the Vistas. That proposed investment was premised on the inclusion of Vistas' residents in the existing homes association, with full membership rights to the use of the enhanced facilities. That proposed investment, to provide for membership in a private community facility, made economic sense. A three thousand dollar (\$3,000.00) per unit assessment against every unit in the Vistas to fund \$250,000.00 for unidentified City owned facilities that, if constructed, would be for the general public and not for the specific benefit of the Vistas' residents is not appropriate; and as a developer cost would be excessive and inappropriate.

It is time for closure. With the submission of the enclosed preliminary draft budget for the Vistas Homeowners Association it is time for the record to close. As you know from prior

Client Documents: 4816-1950-2081v3|18882-000000|2/19/2007



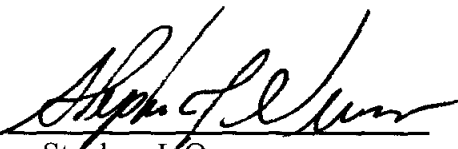
Page 2

correspondence, discussions, and from the Annexation Agreement, the development approvals for the Vistas are governed by the City regulations in effect when the Annexation Agreement was executed.

The Churchill Group has responded positively to virtually every requested plan revision, and every request by the City Staff, even when Staff requests technically exceeded what was strictly permissible for the City to require under the Annexation Agreement. However, after careful consideration, The Churchill Group cannot agree to the requested financial contribution.

Sincerely,

MILES & STOCKBRIDGE, P.C.

By: 
Stephen J. Orens

cc: The Churchill Group
Rebecca D. Willens, Esquire

CHURCHILL DEVELOPMENT
Vistas HOA Operating Budget

Revised: 2/16/2007

Reviewed: 

Assessments (per unit per month): \$72.00
Number of units 83

INCOME

Assessment Income	71,712
Prepayment Discount	0
Late Fee Income	360
Legal Fees Reimbursements	500
Certified/Lien/NSF Income	300
Miscellaneous Income	0
Activities Income	0
Resale Package Income	1,800
Interest Income (from capital contributions 4%)	3,320
Newsletter Ad Income	0
Directory Ad Income	0
City of Gaithersburg Grant Income	0
Median Strip Maintenance Reimbursement	0
Reserve Contribution	(10,178)
TOTAL INCOME	67,814

EXPENSES

General & Administrative	0
Recording Secretary	0
Bank Charges	250
Postage	300
Insurance	3,500
Coupon Printing	275
Printing and Copying	500
Newsletter	1,000
Community Directory	0
Website Fees	780
Federal Income Tax	250
State Income Tax	200
Electricity	168
Activities	0
Misc. Homeowner Admin. Fees	300
Resale Package Expense	1,500
Misc. General & Administrative	500
Home Decorating Contest	0
Bad Debt	0
Sub-Total	9,523

Professional Services	
Management Fees	9,000
Legal Fees	4,000
Audit and Tax Returns	1,500

PEWGAO 800-631-6989

JOINT
EXHIBIT

130

SDP-04-001

Engineering Service	0
<u>Sub-Total</u>	<u>14,500</u>
Site Maintenance & Repairs	
Tree Maintenance	1,000
General Repair and Maintenance	4,000
Fountain Electricity	0
Fountain Water and Sewer	0
Site Improvements	5,000
<u>Sub-Total</u>	<u>10,000</u>
Recreation Expenses	
Pool Management Contract	0
Pool Repair and Maintenance	0
Pool Supplies	0
Pool Passes	0
Pool Telephone	0
Lifeguard Bonus	0
Tennis Expenses	0
Community Center Security Sytem Upgrade	0
Community Center HVAC Contract	0
Community Center Fitness Contract	0
Community Center Repair and Maint.	0
Community Center Janitorial	0
Community Center Pest Control	0
Community Center Cable	0
Community Center Electric	0
Community Center Water/Sewer	0
Community Center Natural Gas	0
<u>Sub-Total</u>	<u>0</u>
Other Expenses	
Operating Contingency	0
<u>Sub-Total</u>	<u>0</u>
Contract Services	
Landscape Maintenance Contract	15,000
Water Feature Maintenance Contract	0
Pond Fountain Maintenance Contract	0
Security Services Contract	0
Trash Removal Contract	9,779
Trash Patrol Contract	1,000
Snow Removal Contract	7,500
<u>Sub-Total</u>	<u>33,279</u>
TOTAL EXPENSES	67,302
NET OPERATING EXCESS/(DEFICIT)	512

CHURCHILL DEVELOPMENT Revised: 2/16/2007
Vistas HOA Reserve

Reviewed: 

ITEM	NUMBER OF UNITS	UNIT REPLACM COST	REPLACE. COST	REPLACE. FACTOR	FACTORED REPLACE. COST	Less Capital Contribution	USEFUL LIFE		REMAINING LIFE	FUNDED THROUGH 12/31/2005	REMAINING BALANCE TO FUND	ANNUAL REPLACE. FUNDING
<u>SITE AMENITIES</u>												
Entrance Feature	1	\$25,000.00	25,000.00	1.00	\$25,000.00	\$16,757.69	25	1	24	\$0	\$16,758	\$698
Asphalt Parking & Alleys Mill	49716	\$0.60	29,829.60	1.00	\$29,829.60	\$19,995.01	40	1	39	\$0	\$19,995	\$513
Asphalt Parking & Alleys Overlay	49716	\$1.00	49,716.00	1.00	\$49,716.00	\$33,325.01	20	1	19	\$0	\$33,325	\$1,754
Asphalt Parking & Alleys Sealcoat	49716	\$0.14	6,960.24	1.00	\$6,960.24	\$4,665.50	5	1	4	\$0	\$4,666	\$1,166
Concrete C&G	2200	\$24.50	53,900.00	0.30	\$16,170.00	\$10,838.87	6	1	5	\$0	\$10,839	\$2,168
Street Lights	14	\$1,975.00	27,650.00	1.00	\$27,650.00	\$18,534.01	30	1	29	\$0	\$18,534	\$639
Concrete Walks	14250	\$3.66	52,155.00	0.20	\$10,431.00	\$6,991.98	20	1	19	\$0	\$6,992	\$368
Multi Purpose Court Color coat	1	\$2,665.00	2,665.00	1.00	\$2,665.00	\$1,786.37	5	1	4	\$0	\$1,786	\$447
Multi Purpose Court Overlay	1	\$13,328.00	13,328.00	1.00	\$13,328.00	\$8,933.86	20	1	19	\$0	\$8,934	\$470
Art in Public Place	1	\$10,000.00	10,000.00	1.00	\$10,000.00	\$6,703.08	25	1	24	\$0	\$6,703	\$279
Tot Lot	1	\$35,000.00	35,000.00	1.00	\$35,000.00	\$23,460.77	25	1	24	\$0	\$23,461	\$978
Gazebo/Sitting Area	1	\$25,000.00	25,000.00	1.00	\$25,000.00	\$16,757.69	25	1	24	\$0	\$16,758	\$698
TOTAL			\$331,204		\$251,750					\$0	\$168,750	\$10,178
			Initial Capital Contribution		-\$41,500							
			Builders Capital Contribution		-\$41,500							
			Balance to Fund		\$168,750							

MEMORANDUM TO: Planning Commission

VIA: Greg Ossont, Director
Planning and Code Administration *GO*

FROM: Caroline Seiden, Planner *CS*
Planning and Code Administration

DATE: February 22, 2007

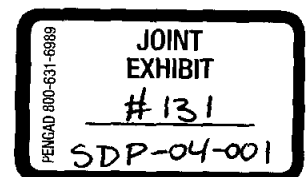
SUBJECT: SDP-04-001, The Vistas
Closing of the Record

In preparation for a recommendation to the Mayor and City Council, the Planning Commission closed the record on SDP-04-001, the Vistas, on January 26, 2007. Since that time, the Quince Orchard Park Community Association has completed its collection of homeowner proxies necessary to determine whether the Quince Orchard Park community would annex the Vistas into its community, as requested by the Mayor and Council.


The QOP Community Association Board of Directors has informed the City that the required number of votes for annexation into the QOP Community Association was not achieved. As a result of this vote, the Planning Commission reopened the record on February 7, 2007 in order to receive responses to the failed annexation from both the Quince Orchard Park community and from Churchill Development Group. To date, staff has received four additional exhibits for the record file regarding this issue. The exhibits are attached for your review.

Staff is recommending an announcement regarding the re-closing of the Planning Commission's record on SDP-04-001 be made at the February 28, 2007 meeting and that the record be closed as of 5:00 pm on March 2, 2007, with a Planning Commission recommendation anticipated for March 7, 2007.

Attachments



MEMO TO: Planning Commission

FROM: Greg Ossont, Director
Planning and Code Administration 

DATE: February 28, 2007

SUBJECT: Quince Orchard Park Annexation Agreement

As you will note from the SDP record, the Churchill Development has asserted that they are not obligated to comply with the requirements of the affordable housing regulations, the adequate public facility ordinance or required to develop design guidelines as part of their proposal.

For your review, please find the following explanation as it relates to the Vistas proposal:

Paragraph III to the first Amendment to the Annexation Agreement dated 1991, states:

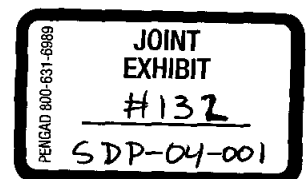
The terms, provisions, conditions and restrictions set forth herein shall be valid and enforceable until January 1, 2025, at which time this Agreement shall expire and shall thereafter be null, void and unenforceable, unless otherwise extended or continued pursuant to a written modification to this agreement. Until January 1, 2025, the Subject Property will be governed solely by those zoning and subdivision laws which were applicable as of the original date of execution of this Annexation Agreement (i.e. October, 1982), for all of that party of the Subject Property that is zoned in the I-3 classification. Any portion of the Subject Property that is rezoned by the City, with GERECCO's consent, from I-3 to another zoning classification shall be governed by those zoning and subdivision laws and regulations which are applicable as of the final date of any such rezoning.

Therefore, although the original Annexation Agreement provided that the 1982 laws (in effect at the time of annexation) would be the governing laws for a period of ten years, *i.e.*, through 1992, that language is in conflict with the provisions of paragraph III of the first Amendment, and the language in the first Amendment controls.¹

In 1993, GERECCO filed a petition for rezoning portions of the subject property from I-3 to MXD, known as Z-275.² Pursuant to Ordinance Number O-22-93, the zoning map amendment X-275 was approved on December 20, 1993, to become effective January 10, 1994. With no appeals or further action, the rezoning was final as of January 10, 1994.

¹ All subsequent amendments to the annexation agreement (*i.e.* 1996, 1998, 2002) reaffirm and make binding all prior amendments, including the first amendment.

² The first Amendment indicates that the term "GERECCO" is intended to include its successors and assigns. SDAT records indicate that the property currently under consideration (*i.e.* the "Vistas") was transferred from GERECCO to Churchill Development Corp. in 2004.



As a result, any property that was rezoned to MXD is to be governed by the laws in effect on the date that the rezoning was final, *i.e.* January, 1994; any zoning or subdivision laws enacted after 1994 would not be applicable to the MXD portion of the property.

Although the Amendment is silent on an end date for the property rezoned MXD (although it is specific as to property zoned I-3), since the Agreement is null, void and unenforceable by its terms as of January 1, 2025, presumably zoning and subdivision laws in effect in 2025 could be applied to property rezoned MXD.

Since the affordable housing ordinance was enacted after 1994 but before 2025, it will not be applicable to the MXD portions of the property until 2025. The adequate public facilities ordinance, also enacted prior to 2025, will not be applicable to this property until that time. Finally, the requirements to provide a design code as part of preliminary plan submission were also adopted prior to 1994.

I hope this information is helpful. If you have any questions, please contact me directly.

Distribution:

T. Schwarz

C. Seiden

C. Borten

Montgomery County Student Generation Rates for New Housing by Type
2005 Census Update Survey

NORTH					
Housing Type	Preschool, 0-4	Factors (number of students generated per unit)			
		Elementary	Middle	High	Total K-12
Single Family	0.502	0.342	0.191	0.184	0.716
Townhouse	0.362	0.214	0.116	0.097	0.426
Multi-Family	0.276	0.198	0.053	0.082	0.332
SOUTHWEST					
Housing Type		Factors (number of students generated per unit)			
		Elementary	Middle	High	Total K-12
Single Family	0.567	0.348	0.129	0.086	0.563
Townhouse	0.305	0.222	0.168	0.098	0.488
Multi-Family	0.175	0.068	0.023	0.043	0.134
EAST					
Housing Type		Factors (number of students generated per unit)			
		Elementary	Middle	High	Total K-12
Single Family	0.445	0.277	0.119	0.129	0.525
Townhouse	0.338	0.189	0.095	0.143	0.427
Multi-Family	0.258	0.166	0.081	0.084	0.330
COUNTYWIDE HOUSING STUDENT YIELD FACTORS					
Housing Type		Factors (number of students generated per unit)			
		Elementary	Middle	High	Total K-12
Single Family	0.503	0.320	0.144	0.131	0.595
Townhouse	0.345	0.211	0.122	0.107	0.440
Multi-Family	0.243	0.153	0.056	0.073	0.281
High Rise/ Structure Parking MF*	0.090	0.042	0.039	0.033	0.114

Source: 2005 Census Update Survey, M-NCPPC Dept. of Park and Planning.

Single family, townhouse, and multi-family rates based on "mover households" (moved in within 5 years.)

High rise rates based on "all households" due to small sample size.

High rise rates based for sub-areas of county not available due to small sample size.

NORTH includes general "upcounty" areas including following clusters: Damascus, Gaithersburg, Magruder, Northwest, Poolesville, Quince Orchard, Seneca Valley, Sherwood, and Watkins Mill.

SOUTHWEST includes following clusters: Bethesda-Chevy Chase, Churchill, Einstein, Walter Johnson, Richard Montgomery, Rockville, Wheaton, Whitman, and Wootton.

EAST includes following clusters: Northeast Consortium (Blake, Paint Branch and Springbrook), Blair, and Kennedy.



City of Gaithersburg • 31 South Summit Avenue • Gaithersburg, Maryland 20877 • Telephone: 301-258-6330 • Fax: 301-258-6336
plancode@gaithersburgmd.gov • www.gaithersburgmd.gov

TRANSMITTAL

SUBJECT:

QOP Vista's
Greg Ossont

DATE

11/17/06

TO:

FILE NUMBER(S)

SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:



Attached to this transmittal

☐ Under separate cover☐ Via special messenger☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:



For your approval



For your review and comment



Submit _____ additional copies



Return _____ corrected copies

ACTION TAKEN:

☐ Approval as submitted☐ Returned for corrections☐ For your use and record☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED

Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

PENGAD 600-631-6989

JOINT
EXHIBIT

#113

SDP-04-001

City of Gaithersburg • 31 South Summit Avenue • Gaithersburg, Maryland 20877 • Telephone: 301-258-6330 • Fax: 301-258-6336
plancode@gaithersburgmd.gov • www.gaithersburgmd.gov

TRANSMITTAL

SUBJECT: QOP Vista's
TO: Kirk

DATE 11/17/06

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT: QOP Vista's

DATE 11/17/06

TO:

Erica

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT: QOP Vista's

DATE 11/17/06

TO:

Maria

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT: QOP Vista's

DATE 11/17/06

TO: Washington Gas

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT: QOP Vista's
TO: Verizon

DATE 11/17/06

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT: QOP Vista's

DATE 11/17/06

TO:

W.S. S.C

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

City of Gaithersburg • 31 South Summit Avenue • Gaithersburg, Maryland 20877 • Telephone: 301-258-6330 • Fax: 301-258-6336
plancode@gaitthersburgmd.gov • www.gaithersburgmd.gov

TRANSMITTAL

SUBJECT: QOP Vista's

DATE 11/17/06

TO:

Pepco

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED

Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT: QOP Vista's
TO: Cliff

DATE 11/17/06

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT: QOP Vista's
TO: Ivan

DATE 11/17/06

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT: QOP Vista's

DATE 11/17/06

TO:

Mike Donohue

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT: QOP Vista's
TO: P.W.

DATE 11/17/06

FILE NUMBER(S) SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal
☐ Under separate cover
- ☐ Via special messenger
☐ Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:

- ☐ For your approval
☒ For your review and comment
☐ Submit _____ additional copies
☐ Return _____ corrected copies

ACTION TAKEN:

- ☐ Approval as submitted
☐ Returned for corrections
☐ For your use and record
☐ Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT:

QOP Vista's

DATE

11/17/06

TO:

MoCo D.O.T.

FILE NUMBER(S)

SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:



Attached to this transmittal



Under separate cover



Via special messenger



Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:



For your approval



For your review and comment



Submit _____ additional copies



Return _____ corrected copies

ACTION TAKEN:



Approval as submitted



Returned for corrections



For your use and record



Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED

Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.

TRANSMITTAL

SUBJECT:

QOP Vista's

DATE

11/17/06

TO:

State Highway Administration

FILE NUMBER(S)

SDP-04-001

WE ARE SENDING YOU THE FOLLOWING ITEMS:



Attached to this transmittal



Under separate cover



Via special messenger



Per your request

QUANTITY	DESCRIPTION
1	SDP

ACTION REQUESTED:



For your approval



For your review and comment



Submit _____ additional copies



Return _____ corrected copies

ACTION TAKEN:



Approval as submitted



Returned for corrections



For your use and record



Approved as noted

Please review the attached plans and transmit your comments to:

Community Planning Team
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, Maryland 20877

or bring comments to the Development Review Team meeting (DRT). The DRT meeting on the attached plans will be held the first Friday following the date of this transmittal, at 9 a.m., at City Hall.

SIGNED

Caroline Seiden/TC

If enclosures are not as noted, kindly notify us at once.